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Fourth periodic reports submitted by States parties under articles 16 and 17 of the Covenant

Addendum

Poland* **

[12 April 2001]

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* The third periodic report concerning rights covered by articles 1 to 15 (E/1994/104/Add.13) was considered by the Committee on Economic, Social and Cultural Rights at its eighteenth session (see E/C.12/1998/SR.10-12) in 1998.

** The information submitted by Poland in accordance with the guidelines concerning the initial part of reports of States parties is contained in the core document (HRI/CORE/1/Add.25/Rev.1).

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Introduction

1. The report concerns the fulfilment in the Polish legislation and practice of obligations under the provisions of articles 6-15 of the International Covenant on Economic, Social and Cultural Rights. It has been prepared in accordance with the general guidelines drawn up by the United Nations Committee on Economic, Social and Cultural Rights.

I. REALIZATION OF RIGHTS ENSHRINED IN ARTICLE 6

A. Ratified international instruments

2. As at the end of 1998, Poland was a party to:

- Employment Policy Convention (No. 122) of the International Labour Organization (ILO) (1964);
- ILO Discrimination (Employment and Occupation) Convention (No. 111) (1958);
- International Convention on the Elimination of All Forms of Racial Discrimination;
- Convention on the Elimination of All Forms of Discrimination against Women.

B. Labour market situation

3. The years 1995-1998 were characterized by an increase in the number of people working and the employed. In the period from 31 December 1995 to 30 September 1998, the total number of people in gainful occupation increased by 972,000 persons, that is by 5.2 per cent. The number of the employed during the same period increased by 429,200 persons, that is by about 4.4 per cent. In the period from 30 September 1997 to 30 September 1998 there was a slight decrease in the numbers (by 19,700 persons in gainful occupation (0.12 per cent) and 60,100 wage earners (0.59 per cent)). In the years 1995-1996 the total number of underemployed increased by 64,700 persons, including 55,800 persons underemployed in the main place of work, while in the year 1997 there was a decrease in the number of persons underemployed (31,100 in total and 19,800 persons in the main place of work). As a result, the share of part-time workers (in the main place of work) in the general structure of employment fell from 6.2 per cent in 1996 to 5.9 per cent in 1997. A positive phenomenon in the years 1995-1998 was the increase in the number of wage earners in the total number of economically active population - from 85.1 per cent in 1995 to 90.5 per cent in 1998.

Table 1. Working persons* and wage earners in the years 1995-1998 (as on 31 December) - in thousands

	1995			1996			1997*			1998**
	In total	Men	Women	In total	Men	Women	In total	Men	Women	In total
Working population - total	15 129.1	8 050.1	7 079.0	15 487.4	8 178.9	7 308.5	15 940.8	8 433.3	7 507.5	15 924.1
Total employment	9 757.5	5 106.6	4 650.9	9 992.6	5 239.4	4 753.2	10 246.8	5 371.8	4 875.0	10 186.7
Part-time employees in the main place of work		249.9	315.5	621.2	271.3	340.9	601.3	277.0	324.3	602.2
Part-time employees in total	774.3	357.1	417.2	839.0	391.6	447.4	807.9	385.6	422.3	814.5
Performing more than one job***	1 097.0	727.0	371.0	1 180.0	793.0	386.0	1 264.0	849.0	415.0	1 288.0
Economically active population	17 596.7	-	-	17 846.9	-	-	17 794.5	-	-	17 562.8
Working population as % of economically active population	85.1	-	-	86.8	-	-	89.6	-	-	90.5

Source: The Main Statistical Office and the data of the Labour Market Policy Department of the Ministry of Labour and Social Policy.

* Excluding the budgetary units of the Minister of National Defence and the Ministry of Internal Affairs and Administration.

** As on 30 September.

*** Investigation of Economic Policy of Population (IEAP).

4. At the end of 1994 unemployment had fallen for the first time during the transformation. In subsequent years, this tendency continued and was most pronounced in 1997. During the first eight months of 1998 this tendency persisted and was followed by a slowdown of the rate of decrease. At the beginning of the second half of 1998 the rate of unemployment fell below 10 per cent, reaching in August the level of 9.5 per cent - the most advantageous for years. During the last four months of 1998 the rate of unemployment had risen owing to the slowdown in the rate of increase in the Polish economy.

Table 2. The unemployed registered in the years 1995-1998 (as on 31 December)

Year	Number of unemployed (thousands)	Increase of unemployment (thousands)	Unemployment rate (%)
1995	2 628.8	-209.2	14.9
1996	2 359.5	-269.3	13.2
1997	1 826.4	-533.1	10.3
1998	1 831.4	+5.0	10.4

Source: Data of the Main Statistical Office.

5. A characteristic feature of the Polish unemployment is its distinct spatial distribution. There is a growing differentiation of the unemployment rate among particular voivodeships - from 2½ times in 1995, 6 times in 1996, 7½ times in 1997, to almost 8 times in 1998. The highest rate of unemployment in 1998 persisted in northern and north eastern Poland, that is, in parts of the country where State Agricultural Farms (PGR) dominated (Slupsk voivodeship - 20.5 per cent, Suwalki voivodeship - 20.4 per cent, Elblag voivodeship - 19.3 per cent, Koszalin voivodeship - 19.2 per cent). The lowest unemployment rates were registered in voivodeships with urban agglomerations: Warsaw voivodeship - 2.6 per cent, Poznan voivodeship - 3.2 per cent, Cracow voivodeship - 4.1 per cent and Gdansk voivodeship - 6.3 per cent (There were 49 voivodeships until 31 December 1998; since 1 January 1999 there are 16).

6. Among the labour market problems that emerged over the years 1995-1998 one should note:

(a) Unemployment of the young. Despite the fall in the number of unemployed in the 18-34 age group and its share in the total population in the labour market, the young unemployed continue to be a dominant group and account for over 50 per cent of the total unemployment:

Table 3. Unemployed in the 18-34 age group in the years 1995-1998 (as on 31 December)

Year	Number of unemployed in the 18-34 age group (thousands)	Percentage of total unemployment
1995	1 614.3	61.5
1996	1 378.6	58.4
1997	1 069.6	58.6
1998	1 062.5	58.0

Source: The Main Statistical Office.

(b) A high percentage of unemployed with a low level of qualifications (basic vocational education) and without qualifications (primary education and incomplete primary education). The two groups accounted for 72.1 per cent of the unemployed towards the end of 1998:

Table 4. Unemployed by education level in the years 1995-1998 (as on 31 December)

Year	Number of unemployed:			
	With basic vocational education		With primary education and incomplete primary education	
	Thousands	% of the total	Thousands	% of the total
1995	1 025.0	39.0	845.0	32.1
1996	907.7	38.5	797.6	33.8
1997	700.7	38.4	621.3	34.0
1998	698.0	38.1	622.8	34.0

Source: The Main Statistical Office.

(c) A high percentage of unemployed women. While the fall in unemployment among women is a positive phenomenon (by 377,000 since 1995), it should be observed that the rate of decease is lower than among men:

Table 5. Unemployed women in the years 1995-1998 (as on 31 December)

Year	Number of unemployed women (thousands)	% of total unemployment
1995	1 448.6	55.1
1996	1 375.6	58.3
1997	1 103.2	60.4
1998	1 071.3	58.5

Source: The Main Statistical Office.

(d) Long-term unemployment. In the years 1995-1998, an increase in the number of persons remaining on the unemployed registers for over a year was observed: in 1995 - 37.4 per cent of unemployed, in 1996 - 41.1 per cent, in 1997 - 44.3 per cent. In 1998, this index fell to 40.4 per cent;

(e) A high percentage of unemployed in rural areas, a very characteristic feature of the Polish labour market. Although this percentage had been decreasing over the years 1995-1998, the rate of decrease was lower than that among town dwellers:

Table 6. Unemployed in rural areas in the years 1995-1998 (as on 31 December)

Year	Number of unemployed in rural areas (thousands)	% of total unemployment
1995	1 126.5	42.9
1996	1 037.2	44.0
1997	843.7	46.2
1998	835.7	45.6

Source: Data of the Main Statistical Office.

(f) A systematic fall in dismissals for enterprise-related reasons (insignificant increase in the number of this category of unemployed was observed at the end of 1998 but it was not reflected in the percentage):

Table 7. Unemployed made redundant for enterprise-related reasons in the years 1995-1998 (as on 31 December)

Year	Number of unemployed (thousands)	Per cent of total unemployment
1995	256.9	9.8
1996	200.0	8.5
1997	124.4	6.8
1998	125.4	6.8

Source: Data of the Main Statistical Office.

Situation of disabled persons on the labour market

7. Public authorities are obliged by article 69 of the Constitution of 2 April 1997 to ensure disabled persons' subsistence, adaptation to work and social communication. On 1 August 1997, the Sejm adopted the Charter of Disabled Persons' Rights. Over 4.5 million persons over the age of 15 have been legally declared disabled. Around two thirds of them are under 65. Competition limits the number of jobs, particularly in a market that is protected. On the strength of the Act of 9 May 1991 on the employment and occupation rehabilitation of the disabled, the State Fund for the Rehabilitation of Disabled Persons was created. The Fund's aim was to finance the instruments targeted at employers that employ disabled persons, acting both on the open and protected markets (e.g. reimbursing the costs of job creation for the disabled and the costs of their wages, together with insurance contributions; tax exemptions for employers who have attained the prescribed rate of employment for the disabled; measures for sheltered workshops: co-financing of interest on credits, loans, subsidies and subventions). The Act of 27 August 1997 on vocational and social rehabilitation and employment of disabled persons came into force on 1 January 1998; it replaced the previous regulations and modified and extended the instruments for promoting their employment, targeted at employers and the disabled themselves.

8. Measures introduced after the establishment of the State Fund for the Rehabilitation of Disabled Persons and the adoption of both Acts (of 1991 and 1997) made it possible to create some 12,000 jobs for disabled persons every year as well as to maintain their employment at a relatively stable level. Data on professional activity rates have been available since 1992 when representative Investigations into the Economic Activity of the Population started to be carried out four times a year. According to the results obtained in May 1998, 22.3 per cent of persons over the age of 15 with a certified disability were professionally active. Their activity, though lower than that of the total population, is higher in spring and summer (agricultural work). Professional activity rates and employment rates are distinctly higher for disabled men than for disabled women; this is mainly determined by the age structure. These rates are also higher in the case of the disabled among the rural population, the result of considerable professional activity of the population engaged in agriculture. The highest professional activity can be observed for persons in the 25-54, and particularly in the 25-29 age bracket. Among the disabled, in May of 1998, 19.7 per cent were active. Almost 87 per cent of them worked privately, mostly in agriculture; 47.7 per cent of disabled persons worked part time, more frequently women than men and also more often in the urban population than in the rural population. The percentage of disabled persons working part time increases with the level of

severity of disability and with age: from 23 per cent in the 15-24 age group to 61.4 per cent for the age group 65 and above. Only around 4 per cent of the working disabled persons were employed at more than one place of work.

9. The unemployment rate in the population of disabled in May 1998 (11.7 per cent, that is 118,000 persons, of whom 98,000 persons were from towns) was higher than that in the total population (10.2 per cent). While tending to fall, the unemployment rate is as a rule higher in the first half of the year and the lowest in August. The highest unemployment rate in May 1998 was registered in the north-western macro-region (25.6 per cent) and the southern region (19 per cent). The unemployment rate for disabled women was higher than that for disabled men, following the same pattern as for women in total. Unemployment in towns, which is higher than in rural areas, is particularly evident among the disabled. The unemployment rate for the disabled was the highest among young persons, falling considerably for those older than 49 years of age. Also, the unemployment rate for the young is considerably higher for the disabled than for the total population. The age structure of the disabled (the dominance of the older age groups), however, is the reason why the unemployment rate for the disabled is not much higher than for the total population. Unemployed disabled persons have in most cases a general secondary and basic vocational education. The unemployment rate for the disabled in all categories of education is higher than for the total population, except for the group with only a primary education.

10. According to data of August 1998, the labour offices registered 25,440 unemployed disabled persons and 37,746 job-seeking disabled without employment, most of them in urbanized voivodeships - Katowice, Warsaw and Lodz. A steady fall in the number of the disabled registered monthly was observed, but this fall was less pronounced than for the registered unemployed population as a whole.

Table 8. Economic activity of the disabled, age 15 and above (1995-1998)

Specification	Month	Professional activity rate	Employment rate	Unemployment rate	
		Disabled persons			Population in total
		Percentage			
1995	XI	21.6	18.9	12.7	13.1
1996	XI	22.1	19.7	10.9	11.5
1997	XI	21.9	19.8	9.9	10.2
1998	V	22.3	19.7	11.7	10.2
May 1998 - according to gender, place of residence and age					
Men		28.2	25.0	11.1	8.6
Women		16.9	14.8	12.5	12.2
Towns		18.6	15.0	19.2	10.7
Rural areas		28.1	27.0	4.0	9.4
15-24 years of age		25.8	17.5	32.0	21.8
25-29		37.8	28.0	22.6	11.9
30-34		32.9	28.0	18.5	10.6
35-39		37.0	29.9	19.3	9.8

Specification	Month	Professional activity rate	Employment rate	Unemployment rate	
		Disabled persons			Population in total
		Percentage			
40-44		32.7	26.9	16.5	8.0
45-49		34.6	27.8	19.6	8.1
50-54		31.5	28.2	10.4	6.7
55-59		27.4	25.2	8.1	7.0
60-64		20.4	20.0	3.1	4.2
65 years of age and above		8.7	8.6	0.8	2.2
Higher education		34.6	31.9	9.1	2.4
Post-high school and second. voc.		26.2	22.8	13.7	8.3
General secondary		19.9	15.7	19.6	12.9
Basic vocational		28.2	23.9	15.5	12.0
Primary and incomplete primary		19.4	17.9	7.4	13.8

Source: Investigation into the Economic Activity of the Population.

C. Measures to ensure work for those who can work and are searching for jobs

11. According to article 4 of the Act of 14 December 1994 on employment and counteracting unemployment (which came into force on 1 January 1995, Journal of Laws, No. 1 of 1995, item 1), the tasks of the State in this area are carried out by the Ministry of Labour and Social Policy with the assistance of the National Labour Office as well as with the voivodeship and regional labour offices, which cooperated with the local governments, trade unions and the employers' and employees' organizations. The Chief Labour Council and the voivodeship and regional labour councils perform a consultative function. The Minister of Labour determines the mode of the councils' activities and the rules for the participation of the representatives of science and other organs, organizations and institutions in the councils' meetings. Unemployment benefits are financed from the State's targeted fund - the Labour Fund.

12. One of the basic forms of assistance to the unemployed is job placement, carried out by the regional labour offices. Job placement is free and is based on the principles of accessibility of services, voluntary cooperation and transparency. The employers' duty is to keep labour offices informed about vacancies with regard to employment or in-plant apprenticeships. The Act guarantees full access to job placement offers and services. In December 1998, the network of local labour offices consisted of 356 units situated in places with easy access through public transport. In 70 per cent of the labour offices additional assistance was provided owing to the "Vocational Information Halls". Employment services were also provided by the Vocational Information Centres where applicants can receive information and advice from vocational counsellors. The first centre was established in 1995. There were as many as 14 centres at the end of 1998. The centres possess printed materials concerning occupations, the labour market, schools and training offers. They are equipped with computers and are located in large towns. Schoolchildren can also take advantage of their services. Specialists who achieved their

qualifications through in-service training or post-graduate studies provide counselling services. The Methodological Centre for Information and Vocational Counselling has been functioning since 1997. It was established following the decision of the President of the National Labour Office. It is his responsibility to provide the vocational counsellors employed by labour offices with uniform, continuously updated sets of vocational information and professional methods and instruments of work.

13. It was possible to strengthen institutionally the system of labour offices owing to the implementation of the Project for the Promotion of Employment and Development of Employment Services, which was co-financed from a loan granted by the World Bank. Modern equipment was bought to meet the needs of local labour offices, personnel were trained and experts employed; the experts' task was to adapt foreign programmes for the promotion of employment to Polish conditions, coordinate employment policies and appraise the implementation of these programmes. The programmes financed by the World Bank only indirectly affected the level of employment since they were mainly designed for the strengthening of institutions that service the labour market.

14. In 1995, in order to curb the increase of unemployment and subsequently reduce its scale, as well as to help the young to start their careers, the Government introduced a number of measures promoting the increase of employment.

15. The Programme for the Promotion of Productive Employment and Reduction of Unemployment was adopted by the Government on 21 November 1995. The programme provided, among other things, for the reform of the school system, the development of labour market institutions, regional development, promotion of house-building, and improvement of the competitiveness of industrial establishments. The Sejm approved the programme as the basis for pro-employment policy for the years 1997-2000.

16. The Promotion of Professional Activity of the Young programme was prepared by the Ministry of Labour and Social Policy and other ministries. The Government adopted the programme in June 1995 and the Sejm accepted it in December 1995. The objective of the programme was to increase the employment opportunities of persons seeking jobs for the first time through the adaptation of the system of education and vocational training to the requirements of a market economy, development of the graduates' ability of self-promotion, and psychological preparation for the acceptance of the labour market's uncertainties and fluctuations. Five basic principles were emphasized in the programme:

(a) The primacy of work over unemployment, particularly with respect to first-time work;

(b) The primacy of wages or a salary over benefits;

(c) The primacy of a permanent job over any form of sponsored professional activity;

(d) The primacy of proactive measures over social protection measures;

(e) The primacy of continuing education and training over unemployment.

17. The measures referred to above concentrated mainly on assisting young persons in their occupational training and functioning in the labour market, extending their continuing education geared towards specific needs of local labour markets, supporting labour exchange, job creation measures, labour clubs and local programmes, and introducing stipends for unemployed graduates.

18. The State-sponsored Voluntary Labour Regiments organized activities in favour of young persons who were neglected and exposed to moral dangers. Every year, some 30,000 persons benefit from various forms of activities, such as occupational training courses and preparation for entry into the labour market. Advisory services are provided for the young, referring them to seasonal work, and organizing job placement and leisure activities.

Counteracting unemployment in rural areas

19. Around 25 per cent of the special programmes for combating unemployment were targeted at the unemployed in the rural areas. The principal objectives have been determined as:

- Development of rural settlements;
- Development of the system of job placement in rural areas;
- Support for the restructuring and modernization of agriculture (mainly through preferential loans for companies that create non-agricultural workplaces and for farmers who create new farms or modernize old ones);
- The boosting of the professional activities of the former workers of the State Agricultural Farms (PGR), who were involved in a dozen or so of special, local programmes;
- Developments of agro-tourism;
- The programme for the development of infrastructure in rural areas up to the year 2000;

20. In the Medium-Term Strategy for the Development of Agriculture and Rural Areas, adopted by the Government on 21 April 1998, it was assumed that the reduction of unemployment was possible only through the implementation of a programme of multifunctional development of rural areas allowing every region to prepare its own path to development, taking full advantage of its conditions and its potential for development and boosting the activities of local self-governments. The programmes should be developed at different levels (depending on the needs), while their financing from public funds should be diversified in scope and level.

21. The Ministry of Agriculture and the Food Industry took a number of initiatives in the years 1995-1998. The most important were:

(a) The activities of agricultural advisory centres, which:

(i) Promoted and disseminated programmes of job creation outside agriculture in rural areas;

(ii) Participated in the development of entrepreneurship and the creation of alternative sources of income for the youth in rural areas;

(iii) Helped to draw up local development programmes;

(iv) Promoted the increase of knowledge and acquisition of new qualifications by people living in rural areas and by the youth in particular;

(v) Cooperated with institutions that promote entrepreneurship among young persons through training, shows, fairs, exhibitions, auctions, and publications.

(b) The implementation of a programme of settlement on the Treasury's lands targeted mainly at young persons from overpopulated family farms ready to take up farming and at graduates of secondary and higher agricultural schools. At the end of 1998, the local branches of the Treasury's Agricultural Property Agency had 124 settlement farms with a total area of 21,166 ha, of which 91 farms with an area of 16,743 ha. had been leased. There were 33 farms with an area of 4,422 ha. still left for settlement.

(c) The implementation of a pilot programme for the reduction of unemployment in rural areas in 48 communes over the years 1996-1998, in one commune for every voivodeship with the exception of Warsaw voivodeship. High unemployment, poor technical infrastructure and inadequate financial resources characterized these communes. Following the implementation of the programme:

(i) Unemployment in the communes concerned had fallen by about 23 per cent;

(ii) Nearly 4,800 permanent workplaces were created;

(iii) 700 workplaces for the disabled came into existence;

(iv) Nearly 16,000 persons were covered by active forms of combating unemployment;

(v) Significant results had been achieved in the development of technical infrastructure.

(d) The activities of the Agency for Restructuring and Modernization of Agriculture, which contributed to the creation of over 24,000 non-agricultural jobs in the years 1995-1998 through the provision of low-interest loans and covering in part the cost of interest on loans granted. The Agency's efforts were concentrated on the development of infrastructure: construction of waterworks and sewerage systems, potable water treatment and sewage treatment, installing telephones, construction and modernization of roads in the communes;

(e) The reform of the system of vocational schools and agricultural education aiming at the reduction of "basic" education turning out a host of new unemployed. The number of pupils in basic vocational schools was decreasing and accounted in 1998 for about 31 per cent of the total school population. The share of typically agricultural occupations in the structure of education was falling. The percentage of occupations geared towards the needs of agriculture was on the increase. Since September 1998, 211 schools with new programmes have been in operation, replacing the old type of schools; among these schools there were 93 agro-business high schools and 83 feeding and household management colleges, that is schools putting into practice new directions of education. The modernization of agricultural education consisted also in the development of new infrastructure and in the raising of the quality of practical education, among other things, through the creation and equipment of practical education centres. The guidelines for the programmes and organization of the centres have been prepared; the legal basis for setting up the first nine pilot centres has been created. The schools run by the Ministry of Agriculture and the Food Industry were engaged, apart from the implementation of their statutory tasks, in the activities connected with retraining and raising qualifications, counselling and information in agriculture. About 50 per cent of agricultural schools organized this type of training course, which catered mainly for farmers and unemployed from rural areas;

(f) The development in 1998 of the programme of agro-tourism, covering the period until 2001; it was expected that the programme would create opportunities for regional development and provide alternative sources of income for farmers and that it would be connected with the protection of environment and the cultural heritage. Within the framework of the programme and with international assistance, the Ministry implemented tasks in cooperation with the agricultural advisory centres; the cooperation of the Polish Federation of Rural Tourism was enlisted for the implementation of two tasks:

(i) "Alternative sources of income for the population of rural areas - Holiday on a Farm";

(ii) "Rural tourism - a step towards the development of rural areas. Counselling for the counsellors".

22. It follows from the statistics of the National Labour Office that at the end of 1998 women accounted for 57.1 per cent of all unemployed in rural areas. The labour offices registered 31,170 farm-owners and they accounted for only 1.7 per cent of the unemployed in rural areas.

23. The comparison of the employment in the former State Agricultural Farms with that on the farms of the Treasury's Agricultural Property Reserve, that is on the administered farms, in one-person companies of the Treasury's Agricultural Property Agency and on the farms of leaseholders, shows that there was a fall from 330,000 persons before the Agency was established to 135,000 in September 1997. As a result, over 100,000 persons left the State Agricultural Farms (or had been dismissed) even before the Agency was set up. It should be noted that the employment in all the above-mentioned types of farms administered by the Agency had risen since 1995 by about 12,000 persons. The Investigation of the Economic Activity of the Population carried out by the Main Statistical Office showed the fall in the number of unemployed who had been previously working in public agriculture, hunting and forestry. The definition of "unemployed" as adopted in the Investigation of the Economic Activity of the Population covered persons over the age of 15, not engaged in any gainful activity and actively seeking a job. According to the National Labour Office, the number of registered unemployed in the public sectors of agriculture, hunting and forestry reached about 36,000 on 1 January 1998.

24. Acting on its statutory responsibilities connected with active employment policy targeted at the former workers of the State Agricultural Farms, the Agricultural Property Agency of the Treasury was engaged in the implementation of the following measures:

(a) Saving the maximum number of jobs in the restructuring process; the local branches of the Agency concluded contracts of lease that imposed the duty to employ a certain number of persons (as a rule, for two years on the previously binding terms of employment);

(b) Supporting economic initiatives that make it possible to preserve or increase employment through preferential treatment aiming at the utilization of uncultivated land and farms lying idle (job creation);

(c) Supporting local programmes to combat unemployment;

(d) Creating jobs through the utilization of the Unemployed Activity Fund (around 3.8 million ecus from European Union funds) and preferential credit lines, making use of its own resources and the possibility of credit guarantees; in the period 1996-1997, the Fund was used for the implementation of the Agency's statutory objectives and, in the first place:

(i) The creation of new jobs for the unemployed former workers of the State Agricultural Farms;

(ii) The privatization of possessions of the Treasury's Agricultural Property Reserve; owing to assistance from PHARE amounting to 3,849,000 ecus, employers were able to create over 3,580 new jobs and over 90 beneficiaries started their own enterprises.

D. Measures ensuring maximum labour efficiency

25. Among the measures taken during the reporting period the following should be mentioned:

(a) Restructuring programmes for sectors of the economy, including:

(i) The restructuring programme for the iron and steel industry, which was approved by the Council of Ministers in June 1998; according to the programme, the achievement of sustainable economic effectiveness of steel mills and the increase of their competitiveness on world markets depends on the development of modern technological solutions, improvement of technology and reduction of employment by nearly 40,000 persons;

(ii) The reform of the coal mining industry aiming at the reduction of the extraction capacity of the mines and of excessive employment. These measures aimed at the improvement of the economic effectiveness of the industry through the reduction of extraction costs. Along with these measures, technological adjustment was carried out; it consisted in:

- The simplification of the organizational model of the mines;
- The liquidation of the least effective production capacities;
- The increase in the concentration of coal extraction.

The general output rate in 1995 was 2,479 kg./rdn and 2,658 kg./rdn in 1998;

(iii) The measures targeted at small and medium-scale enterprises. Among the most important objectives formulated in the document with a view to increasing labour efficiency are:

- Measures for the purpose of increasing the competitiveness of the sector of small- and medium-scale enterprises; they consisted of financial assistance for innovative and implementation projects that were taken up by the enterprises (the funding of implementation projects and the purchase of the results of research projects, patents, licenses and technical improvement projects);
- Measures for the promotion of research projects the results of which were implemented by the enterprises;
- Measures in respect of information, training and promotion in the area of the systems of quality assurance, including ISO series 9000 and 14001;

- Measures for the purpose of reinforcing the pro-investment effect of the tax system and of making it easier for the small- and medium-scale enterprises to get access to external fund-raising sources (among other things, through the development of a system of credit guarantees);

(b) The establishment of the Technique and Technology Agency on the strength of the Act of 12 April 1996; the Agency's responsibilities included:

(i) Promoting and supporting the development of innovative techniques and technologies as well as commercializing the results of research with a view to raising the level of modernity and competitiveness of Polish products;

(ii) Assisting in the implementation of the State's policies and programmes in the area of the utilization of modern techniques and technologies in the national economy;

(iii) Seeking, evaluating and promoting new technical and technological solutions for the purpose of applying them in the economy;

(iv) Developing projects that boost the spirit of innovation among entrepreneurs.

E. Measures ensuring free choice of employment

26. The free choice of employment is guaranteed in the Republic of Poland by:

(a) The Constitution of the Republic of Poland of 2 April 1997 (Journal of Laws of 1997, No. 78, text 487), article 65;

(b) The Act of 14 December 1994 on employment and counteracting unemployment, which was referred to in the previous report; it was subject to a number of amendments in which the provision on the free choice of employment had been retained;

(c) The Labour Code, amended by the Act of 2 February 1996, article 19, paragraph 1; the new provision reads: "Everyone shall have the right to freely chosen employment. No one may, except in cases specified by statutory law, be prohibited from the practice of a profession".

F. Programmes of technical and vocational training

27. Vocational training was carried out mainly in schools. During the school year 1997/98, 1,560,000 young persons and 202,000 adults participated in training at the level of basic and secondary vocational education. In post-secondary institutions, 191,000 persons completed their education in the year 1997/98. During the last five years, a 42 per cent increase in the number of persons attending post-secondary education was observed.

28. In the fight against youth unemployment it was essential to adapt the structure of education to the needs of the labour market. The analysis of the demand for qualifications showed that only graduates of those schools that did not offer narrow specializations but proposed to train in different areas and skills could find a place in the labour market. In the school year 1996/97, about 28.32 per cent of the total number of pupils of post-primary schools benefited from education in basic vocational schools, and in the year 1997/98, 26.58 per cent. It was expected that starting from 1 September 1999 (after the introduction of the school system reform) 20 per cent of young people would be attending two-year post-secondary vocational schools and 80 per cent would attend the profiled high schools.

29. The law provided for the possibility of organizing apprenticeships, while guaranteeing employers the reimbursement of the employment costs. The apprentices received only stipends. In 1996, over 12,000 school graduates were referred for apprenticeships, in 1997 over 19,000 and in 1998, over 28,000. The so-called graduate contracts were very effective. In 1996, 39,000 persons were employed in this way, in 1997 over 55,000 and in 1998, 35,000. As distinct from an apprenticeship, a graduate concluded a labour contract with an employer and received remuneration. The labour office covered part of the employment costs. Subsidized employment of young persons was an essential part of special programmes targeted at the so-called risk groups. In 1996, out of 81 special programmes approved for implementation, 7 were designed exclusively for young persons; in 1997, the corresponding figures were 146 and 17 and in 1998, 159 and 26.

30. In the years 1995-1998, the number of unemployed retrained by labour offices was on the increase. In 1995, 82,106 persons were retrained, in 1996, 84,830, in 1997, 133,820 and in 1998, 141,397 persons, that is 7.7 per cent of the total number of unemployed, mainly women (58.6 per cent). There was a growing number of unemployed taking part in training courses organized on the basis of tripartite agreements between the labour office, employer and educational establishment. The effectiveness of these courses found its reflection in the numbers of persons employed after graduation (80-100 per cent, that is over 20 per cent more than in the case of other courses). In 1996, tripartite agreements were concluded in 36 voivodeships, in 1997 in 43 and in 1998, in 45 (when the old administrative division of the country was still in force). The number of trainee graduates trained within the framework of tripartite agreements was 4,557 persons in 1996, 5,641 persons in 1997 and 6,356 persons in 1998.

31. Since 1997, after the law had been amended, labour offices were in a position to finance the skills training of job-seekers. In 1997, 19,021 persons went through the training in this area, whereas 24,916 persons received the same training in vocational courses. In 1998, the respective numbers were 23,660 and 32,945 persons.

32. The total number of training providers in Poland in the years 1995-1998 is estimated at 5,000. Their offers included both courses for managers and specialists and vocational courses at different levels, as well as courses preparing for particular occupations. It is estimated that on the average some 2.5 million persons raise their qualifications yearly. In the year 1996/97, the number of registered educational establishments acting outside the school system reached 1,800. They conducted educational and training courses outside school classes. They organized 59,376 courses for 1,229,000 participants, including 80,000 unemployed persons. Career development courses were organized in classes outside school for 135,000 persons, courses

leading to certified professional qualifications for 112,000 persons, courses for upgrading job-related skills for 227,000 persons, courses in the area of safety and health at work for 391,000 persons and foreign language courses for 222,000 persons. Out of the total number of training courses, employers or labour offices had commissioned 29,866 (50 per cent) courses.

33. The highest numbers of participants had been trained by the following institutions:

- Associations and social organizations: 422,000 persons (20,000 courses), including 37,000 unemployed persons;

- Enterprises belonging to natural persons, partnerships and others: 408,000 persons, including 21,000 of the unemployed;

- Commercial companies: 268,000 persons (9,400 courses), including 13,000 unemployed persons.

G. Special difficulties in achieving full and freely chosen employment

34. These difficulties stemmed mainly from the fact that unemployment in Poland had a structural/regional character. The long-term unemployed, usually low skilled, often refrained from seeking jobs in their specialties. Low spatial mobility of the unemployed was another hindrance (housing problems - see section VI).

35. A difficult situation persisted in the rural areas, since Polish agriculture was awaiting a fundamental transformation in the years 1995-1998. The area of most farms did not exceed a dozen or so hectares, only rarely going beyond 20 ha. As much as 27 per cent of the economically active population in Poland was connected with the rural labour market, and primarily with agriculture. In rural areas and in small villages most non-agricultural establishments went bankrupt since they were not adapted to the market economy. These phenomena were in evidence in the eastern and northern belt of voivodeships, even though they were also observed in areas that were not covered by structural unemployment, which showed that they were in fact relevant for the whole country.

36. The situation of the labour market was also difficult in large- and medium-size towns where during previous decades branches of industry were developed that had not yet been covered by restructuring or that were being restructured (coal mining; iron and steel industry; certain branches of heavy industry, e.g. arms industry, machine-building industry, and of light industry e.g. textiles, clothing and food). These problems had arisen both within regions (the Upper Silesia, the Walbrzych Coalfield, Lodz, the industrial region of Radom-Kielce-Rzeszow) and separately in many towns of the whole country.

37. A problem of another kind was job discrimination against women on the part of some employers. Occasionally, women were asked to go through pregnancy tests; sporadically, advertisements appeared offering jobs to women who were not pregnant (the latter phenomenon, however, was marginal in contrast to the former one). Also, other women had more difficult access to employment: young married women in view of potential pregnancy, young mothers, because of the need to care for a child, or women after the age of 40 owing to an inadequate

number of job offers and the lack of qualifications (although this could have been used only as a pretext for refusing employment). Men of similar age and qualifications had, as a rule, easier access to the labour market.

II. Equality of opportunities and treatment in employment

38. Apart from the provisions of the new Constitution of 2 April 1997 (article 65, previously referred to, proclaiming the freedom to choose employment but prohibiting the employment of children below the age of 16), since 2 June 1996 provisions of the Labour Code had also been binding: article 11 (2): "Employees shall have equal rights resulting from the performance of identical duties; this shall apply in particular to the equal treatment of men and women in the area of work", and article 11 (3): "Any discrimination in employment relationships, particularly in respect of sex, age, disability, race, nationality, beliefs, particularly political views or religious beliefs, as well as in respect of trade union membership, is prohibited."

39. The Act on employment and counteracting unemployment of 14 December 1994 and executive acts were consistent with ILO Convention No. 111 of 1958 concerning discrimination in employment and occupation and with EU Directive No. 76/207 of 9 February 1976 on equal treatment of women and men in respect of access to employment. In the years 1995-1998, however, there were cases of discrimination against women, which was shown in generally higher numbers of unemployed women than unemployed men, higher numbers of women affected by staff reductions and in wage differentials. A working group, "Equal Treatment of Women and Men", was set up as part of the Negotiating Subgroup "Social Policy". A draft bill was also prepared on the equal status of women and men; it will introduce regulations stipulating that women and men must have equal access to employment and that it is prohibited to formulate job offers in a way that would privilege job applicants on account of their sex.

40. As far as access to certain kinds of employment is concerned, there is differentiation that is dependent on citizenship. The Act of 25 June 1997 on foreign nationals stipulates in article 25 that "foreign nationals during their stay on the territory of the Republic of Poland have the same rights and duties as Polish citizens unless the provisions of the present Act or other acts state otherwise". The limitation on access to employment of foreign nationals concerned civil servants (the Act of 16 September 1982 on employees of state agencies, Journal of Laws of 1982, No. 31, text 214, with subsequent amendments), appointed teachers (the Ordinance of the Minister of National Education of 30 October 1992, Journal of Laws, No. 85, text 432; only Polish citizens can be appointed teachers according to article 10, paragraph 2, of the Act of 26 January 1982 "The Teacher's Charter"; if the employment of a foreign national is necessitated by the organization of education in the school, a non-appointed teacher can be employed, e.g. a foreign language teacher) and employees of the Polish Post Office. In the case of certain professions that are available for foreign nationals, the dividing line was between Polish citizens and the remaining persons; this applied to architects, lawyers, curators and similar professions. Detailed regulations on the mode and form of employing foreign nationals were contained in the Act of 14 December 1994 on employment and counteracting unemployment. They stipulate that a foreign national who has no refugee status or does not hold a permanent residence permit can take up employment provided that the employer has obtained a permit from the director of the provincial labour office and the foreign national in question holds a visa with

the right to work or a permit for temporary stay on the territory of the Republic of Poland and has the consent of the above-mentioned director. No labour permit is necessary if the foreign national holds a permanent residence permit or has been granted refugee status.

I. Situation in the area of occupational guidance, training and access to employment in respect of race, colour, sex, religion and citizenship

41. The Act on employment and counteracting unemployment contains provisions on the equality of citizens (irrespective of their race, colour, sex and religion) who avail themselves of job placement and occupational guidance services provided by the local labour offices (art. 12, para. 2, point 3 and art. 17, para. 2, point 3 of the Act). Persons without Polish citizenship are subject to limitations referred to above, while foreign nationals with work permits are covered - just like Polish citizens - by regulations concerning occupational guidance and training. It should be emphasized that the citizens of other States had been treated in the reporting period in the same way, irrespective of race, colour, sex and religion, while limitations are on no account discriminatory in character. In the light of the provisions of the Act on employment and counteracting unemployment, all unemployed persons had access to the training of the unemployed for whom such training was indispensable, including the citizens of other States, obviously within the financial possibilities of labour offices (resources of the Labour Fund).

J. Limitations resulting from the normal requirements of particular occupations

42. None of the limitations referred to above should be treated as discrimination. They were the consequence of the fact that certain occupations, including in the democratic State ruled by law, should not be performed by citizens of other States owing to these occupations' specificity (a list of such occupations is in any state similar to that referred to above under section H). The provisions of the Act on employment and counteracting unemployment made it possible for foreign nationals to take up most of the occupations on the basis of clear rules, without any discrimination.

K. Persons holding more than one job

43. The following table shows the percentage of persons who had more than one job in the years 1995-1998.

Table 9. Percentage of persons holding more than one job in the total working population

Year	Number of persons holding more than one job	Percentage of the total working population
1995	1 097 000	7.43
1996	1 180 000	7.81
1997	1 264 000	8.25
1998	1 288 000	8.40

Source: The Main Statistical Office (Investigation of the Economic Activity of the Population).

L. Legislative and administrative changes with respect to article 6

44. Article 65 of the new Constitution of 2 April 1997 (Journal of Laws of 1997, No. 78, text 487) prohibits employing children below the age of 16.

45. Article 69 of the Constitution imposes on public authorities the duty to ensure disabled persons their subsistence, work and participation in public life; in addition, on 1 August 1997, the Sejm approved the Charter of Rights of Disabled Persons.

46. Article 10 (freedom to choose employment), article 11 (2) and 11 (3) (equal rights resulting from the performance of identical duties), and article 191 (exceptions to the constitutional prohibition of employing children - see article 65 of the Constitution above) of the Labour Code were amended by the Act of 2 February 1996 (which came into force on 2 June 1996).

47. On 1 January 1995, the Act on employment and counteracting unemployment of 14 December 1994 came into force (Journal of Laws of 1995, No. 1, text 1); the Act was discussed in the previous report.

48. On 25 June 1997 the Act on foreign nationals was passed (article 25 stipulates that "foreign nationals during their stay on the territory of the Republic of Poland have the same rights and duties as Polish citizens unless the provisions of the present Act or other acts state otherwise").

49. The Act of 27 August 1997 on the occupational and social rehabilitation and employment of the disabled came into force on 1 January 1998.

50. The Act of 22 December 1995 on the amendment of the Act on employment and counteracting unemployment and on the amendment of certain acts came into force on 1 March 1996 (Journal of Laws of 1995, No. 5, text 34). The main changes were:

(a) The introduction of scholarships instead of meals for school graduates, paid when training is taken up, during apprenticeships or continuation of education in post-primary schools for adults;

(b) The change of rules for determining the level of benefits (cash benefit subject to indexation every quarter in accordance with the growth of the commodities and services price index). Since 1 December 1998, the basic unemployment benefit has been 378.20 PLN. The benefit was equivalent to 75.6 per cent of the basic wage and 30.2 per cent of the average wage in the national economy;

(c) Making the acquisition of the right to benefit conditional on the manner of termination of the contract of employment with the last employer in the period preceding the registration with the Local Labour Office:

(i) An unemployed person who terminated the contract of employment with notice acquires the right to benefit after 90 days;

(ii) An unemployed person who has brought about through his own fault and without notice the termination of the contract of employment or official relationship with his last employer will acquire the right to benefit after 180 days;

(d) The authority of the local labour office to deprive of unemployment status a person who has twice refused without good reasons to accept an appropriate employment or to participate in an intervention or public works;

(e) The introduction of a new chapter concerning the promotion of regional and local labour markets;

(f) The Labour Fund may reimburse part or the whole costs of travel to work and accommodation of a person living in a locality (commune) recognized as particularly threatened with high structural unemployment, who has been referred to and taken up work, an apprenticeship or training outside his/her place of permanent residence.

51. The Act of 6 December 1996 on the amendment of the Act on employment and counteracting unemployment and on the amendment of certain acts came into force on 1 January 1997; the amendments aimed at:

(a) The restructuring of the system of benefits for persons without work, and at the same time, bringing the hitherto binding regulations closer to the target model based on the system of unemployment insurance;

(b) The rationalization of the mode of granting benefits, limiting the possibility of abusing the entitlements to benefits, allocating the resources obtained to active forms of combating unemployment;

(c) Making more attractive different initiatives and programmes that can be financed from the Labour Fund in favour of unemployed persons with a view to boosting their professional activities.

52. The basic changes introduced through the Act referred to above were:

(a) Determination of the level of benefits depending on the qualifying period (80, 100, 120 per cent amounts of the basic benefit for up to 5 years, 5-20 years, 20 years and longer periods of work, respectively;

(b) Determining the benefit period depending on the level of unemployment on the local labour market; the benefit periods are 6, 12 and 18 months (the regulation came into force on 1 April 1997);

(c) Making the acquisition of the right to benefit dependent on employment, performance of other gainful occupation or non-agricultural activity during at least 365 days in the period of 18 months preceding the registration with the local labour office, providing that the pay or income that constitutes the basis for calculating the social insurance and the Labour Fund contributions amounts to at least the minimum wage;

(d) Introduction of periodic guaranteed social assistance benefits that are due to persons whose benefit period has terminated and who are bringing up a child of up to 15 years of age alone;

(e) Introduction of new forms of actively fighting unemployment (loans for training, reimbursing employers for the cost of insurance contributions, reimbursing - not only in areas threatened with high unemployment - the real costs of public works, of travel to work of persons who have been referred to and taken up work, an apprenticeship or training outside their place of residence);

(f) Introduction of allowances and pre-retirement benefits due to persons with long working periods before they have acquired the right to old age pensions.

53. The amendment of the Act on employment and counteracting unemployment of 16 July 1998 came into force on 5 September 1998 (Journal of Laws of 1998, No. 108, text 684). Now the suspension of the right to an allowance or pre-retirement benefit is not brought about by:

(a) Taking up employment, other gainful occupation or non-agricultural activity after three months from the acquisition of the right to an allowance or pre-retirement benefit, if the earnings from these sources do not exceed half of the minimum wage;

(b) Receiving earnings subject to personal income tax on activities other than employment, other gainful occupation or non-agricultural activity.

54. The level and period of receiving benefits depend also on:

(a) The period of employment on the basis of a labour contract for the purpose of occupational training of young employees, irrespective of the level of their earnings in the past;

(b) The period of employment abroad of a person who was resettled in the country under a repatriation programme (that is, article 12 of the Act of 15 February 1962 on Polish citizenship).

55. Preferential treatment was adopted with respect to the right to pre-retirement benefit for persons who had been employed in enterprises manufacturing products containing asbestos. The time during which the unemployed received compensation by virtue of unlawful termination by the employer of the employment relationship was recognized as part of the period (365 days) that determined the right to and the level and length of benefits (including pre-retirement benefits). On the strength of the Act of 16 July 1998 the level of pre-retirement benefit was raised

from 80 to 90 per cent of the amount of old age pension that would be due to a person if he/she was of the age that entitled someone to such pension (60 years for women and 65 years for men). For those satisfying the conditions for the acquisition of the right to pre-retirement benefit who were dismissed on economic grounds from establishments or sectors of national economy covered by restructuring programmes, the Government was authorized to establish, by way of an ordinance:

(a) Pre-retirement benefits in the amount equal to 100 per cent (and not 90 per cent) of the old age pension as fixed by a pension authority determining the level of old age pension in order to establish the pre-retirement benefit;

(b) A shortened period for acquiring the right to pre-retirement pension (35-year working period for women and 40-year working period for men), if the termination of the employment contract has occurred for reasons related to the establishment (34 years for women and 39 years for men), of the pre-retirement benefit if the termination of employment is due to the employer's insolvency.

56. By virtue of the Act, the graduation scholarship in connection with a person's undergoing training became payable throughout the whole period, providing that such person had the status of an unemployed graduate on the day the training began (and less than 12 months had passed since the day school was finished), in the amount equal to 60 per cent of the basic allowance and, in the case of in-plant apprenticeship, in the amount equal to 100 per cent of this allowance.

57. The Council of Ministers adopted new regulations on:

(a) The Voluntary Labour Regiments (Journal of Laws of 1996, No. 60, text 278);

(b) The list of communes with high structural unemployment (Journal of Laws of 1996, No. 71, text 338);

(c) Support from the resources of the 1997 central budget for the implementation of regional restructuring programmes and the creation of local institutions (Journal of Laws of 1997, No. 110, text 717);

(d) The detailed procedure and conditions for applying for non-repayable assistance in the period of reconstruction of a farm (Journal of Laws of 1997, No. 124, text 785);

(e) The procedure and conditions for granting central budget subsidies for financing infrastructural investments as part of the development of the system of public works by communes threatened with particularly high structural unemployment (Journal of Laws of 1998, No. 81, text 524);

(f) Establishing the list of voivodeships and communes covered by the activities of local labour offices where special economic, financial and other preferential treatment instruments are applied, with a view to restructuring the economy and limiting the adverse consequences of unemployment (Journal of Laws of 1998, No. 90, text 569);

(g) Granting the unemployed living in certain voivodeships and communes covered by the activities of local labour offices the right to benefits and stipends that are due to the unemployed living in communes threatened with particularly high structural unemployment (Journal of Laws of 1998, No. 90, text 570).

58. In the years 1995-1998, a number of regulations were also issued by the Minister of Labour and Social Policy:

(a) Amending the ordinance on detailed rules for granting loans from the Labour Fund, the level of interest rates and conditions for repayment (Journal of Laws of 1995, No. 35, text 174, of 1997, No. 25, text 133, of 1998, No. 166, text 1243);

(b) On the mode of making payments to the Labour Fund, the payment of social insurance contributions, and detailed rules for acquiring entitlements and the mode of paying out social insurance benefits to Polish citizens employed outside the country by foreign employers (Journal of Laws of 1995, No. 38, text 192);

(c) On allocating resources from the Labour Fund for the implementation of tasks connected with the restructuring of the aircraft industry (Journal of Laws of 1998, No. 62, text 395);

(d) Amending the ordinance on the organization, detailed rules and scope of activities of the National Labour Office and local labour offices (Journal of Laws of 1995, No. 38, text 187, of 1997, No. 25, text 136);

(e) Amending the ordinance on detailed rules for the organization of intervention and public works as well as on granting down payments towards financing the costs of organizing public works (Journal of Laws of 1995, No. 38, text 189, of 1997, No. 25, text 134, of 1998, No. 166, text 1242);

(f) Amending the ordinance on detailed rules for financing the expenditures from the Labour Fund and the mode of cooperation between employment organs and banks and financing institutions (Journal of Laws of 1995, No. 41, text 215, of 1997, No. 25, text 135 and No. 134, text 890, of 1998, No. 37, text 219 and No. 166, text 1245);

(g) On the classification of occupations and specialties for the needs of labour market and on the scope of its applications (Journal of Laws, No. 48, text 253);

(h) On special programmes for counteracting unemployment (Journal of Laws of 1995, No. 134, text 661, of 1998, No. 156, text 1023);

(i) On detailed conditions for unemployed school graduates to serve in-plant apprenticeships (Journal of Laws of 1996, No. 45, text 203, of 1998, No. 166, text 1244);

(j) On establishing the list of areas that have not been recognized as threatened with particularly high structural unemployment, where the local labour office can reimburse part or the whole cost of travel to work and the accommodation of persons who have been referred to and taken up employment, apprenticeships or training outside their permanent place of residence (Journal of Laws of 1997, No. 25, text 129);

(k) On establishing the list of administrative areas that have not been recognized as particularly threatened with high structural unemployment where the real costs of public works can be reimbursed (Journal of Laws of 1997, No. 25, text 139);

(l) On detailed rules for the registration and record keeping of the unemployed and other job-seeking persons (Journal of Laws of 1997, No. 25, text 131, of 1998, No. 166, text 1236);

(m) On detailed rules for granting benefits prescribed in the Act on employment and counteracting unemployment (Journal of Laws of 1997, No. 25, text 132, of 1998, No. 166, text 1237);

(n) On the employment of and entrusting foreign nationals with other gainful work without the necessity of obtaining a work permit and the consent of the director of a voivodeship labour office (Journal of Laws of 1997, No. 109, text 710);

(o) On the mode of employing foreign nationals for performing export services for foreign employers in Poland (Journal of Laws of 1995, No. 66, text 340, of 1998, No. 12, text 50);

(p) On detailed rules and the mode of issuing permits and permission for the employment of or performance of other gainful work by foreign nationals on the territory of the Republic of Poland (Journal of Laws of 1998, No. 53, text 336);

(q) Amending the ordinance on the reimbursement of the costs of travel and accommodation of persons who have taken up employment, apprenticeships or training outside their permanent place of residence (Journal of Laws of 1996, No. 45, text 202, of 1998, No. 120, text 778 and No. 166, text 1238);

(r) Amending the ordinance on detailed rules for conducting job placement, career guidance and training for the unemployed, creating the methodological basis for occupational information and counselling, as well as the organization and financing of labour clubs (Journal of Laws of 1995, No. 73, text 364, of 1998, No. 166, text 1235);

(s) Amending the ordinance on the organization and mode of operation of the Employment Councils, as well as on the participation in the meetings of the Employment Councils of other organs and representatives of science, organizations and institutions not represented in the Employment Councils (Journal of Laws of 1995, No. 38, text 188, of 1998, No. 166, text 1239);

(t) Amending the ordinance on detailed rules for the reimbursement of the costs of remuneration for the time off work paid to a member of the Employment Council as well as for the costs of his/her travel for the purpose of participating in the meetings of the Council (Journal of Laws of 1995, No. 38, text 190, of 1998, No. 166, text 1240);

(u) On the adaptation of the organization and the scope of activity of the voivodeship and local labour offices with respect to the organization of public administration (Journal of Laws of 1998, No. 166, text 1247).

M. International assistance in the implementation of the rights enshrined in article 6

59. In the years 1995-1998, Poland benefited from the assistance and experiences of several European States: Germany, Great Britain, Belgium, Denmark, France, Sweden - and the United States of America. Most effective, however, proved to be the full implementation of the project for the promotion and development of employment services financed, among others, by a loan from the World Bank. The project had been completed by December 1998. The most essential elements of the project were:

(a) The development of the programme and training materials concerned with the principles and forms of marketing services conducted by the employment services;

(b) The development of national guidelines with respect to the location, lay-out and equipment of labour offices as well as a uniform system of visual information for the clients;

(c) The development of training programmes for vocational counsellors of labour offices for Bachelor's and Master's degrees and post-graduate studies;

(d) The development of short-term training programmes for the employees of labour offices in the area of basic skills for working with the clients;

(e) The development of training programmes for the management staff employed in labour offices;

(f) The development of the activity programmes of labour clubs as well as the training programme for leaders of classes in labour clubs;

(g) The purchase of licences and adaptation to Polish conditions of American tests for determining interests and natural abilities for particular jobs;

(h) The development of a body of information on occupations (characteristics of about 550 occupations);

(i) The development of a computer program to support occupational guidance;

(j) Supplying labour offices with modern office equipment.

60. The project contributed to the modernization of occupational training as a means of supporting the implementation of the right that is the object of article 6. Owing to this project, a modular conception was introduced into the Polish system of education and occupational training. Among the many virtues of this conception, of particular importance for increasing the level of employment was the emphasis on mastering the required skills for a given workplace or occupation, flexibility of teaching methods consisting in the possibility of learning at a pace which is consistent with the time and money at the learner's disposal, and the ease with which the training based on modular programmes can be adapted to the changing needs of the labour market. The training based on modules of employable skills recognized as more effective than traditional vocational training was given prominence in the reform of education that had been planned since 1999. Modular programmes were designed for use in post-secondary vocational schools, where emphasis will be placed exclusively on the development of occupational skills. Following the implementation of the project, programmes in 21 occupational areas have been developed and used by the establishments for continuing occupational training; they comprise nearly 1,000 modular units.(modules) for 138 occupational areas. Out of 100 training establishments participating in the project and playing a leading part in the development of the programme documentation, some were supplied with modern technical and didactic equipment.

II. REALIZATION OF RIGHTS ENSHRINED IN ARTICLE 7

A. Ratified international instruments

61. As from the end of 1998, Poland has been the party to:

- Equal Remuneration Convention, 1951 (No. 100);
- Weekly Rest (Industry) Convention, 1921 (No. 14);
- Labour Inspection Convention, 1947 (No. 81);
- Labour Inspection (Agriculture) Convention, 1969 (No. 129).

B. Methods used for fixing wages

62. In accordance with the amended provisions of the Labour Code that have been in force since 2 June 1996, the terms for remunerating and granting other work-related benefits were determined in the reporting period in collective agreements (at above the established level and established level, as comprehensively described in the previous report), in remuneration rules or legal provisions issued by State organs. The statutory determination of the terms of remuneration was the duty of every employer who employed at least five workers who were not covered by a collective agreement at above the established level or the established level determining the terms of remuneration and granting other work-related benefits. The employer determined the remuneration rules; if, however, there was at his establishment a trade union organization, he was obliged to negotiate the terms of remuneration with that organization (article 77, paragraph 3, of the Labour Code). The State organs determined the terms of

remuneration for work and the granting of other work-related benefits for workers employed in government administration (budgetary units), if they were not covered by a collective agreement at above the established level (article 77, paragraph 3, of the Labour Code).

C. The system of minimum wages

63. In the years 1995-1998, no changes took place in relation to the situation described in the previous report; starting from 1 September 1990, a rule was adopted according to which the minimum wage was equal to the full lowest remuneration guaranteed to all workers irrespective of their place of work and sex in exchange for the full monthly working time (that is 42 hours a week). The minimum wage did not depend on the worker's qualifications, wage classification or the number and kind of wage components applied in the establishments (employers often applied, apart from the basic wage, different kinds of bonuses, awards, allowances for the post held, long service supplements, etc.).

64. The concept of the minimum wage was mentioned in article 65 of the Constitution of 2 April 1997, as well as in articles 13, 77, paragraphs 4, 81 and 137 of the Labour Code. As far as the level of minimum wage is concerned, it has been fixed since 1956 by way of resolutions of the Council of Ministers. Since January 1990, it has been regulated by the order of the Minister of Labour and Social Policy. In 1996, regulations were adopted on acquiring the right to the lowest remuneration in the case of non-performance of work (the regulation of the Minister of Labour of 26 June 1996 in Monitor Polski of 29 June 1996). Since the adaptation of legal provisions to the Constitution of the Republic of Poland, the issue of the minimum wage has been regulated by a higher rank executive act - the ordinance (the ordinance of the Minister of Labour of 29 January 1998 on the minimum wage for work - Journal of Laws, No. 16, text 74). The ordinance did not introduce any new regulations to the hitherto binding orders with respect to the lowest remuneration for work. The lowest remuneration was protected against the loss of real value owing to the indexation system based on the consumer price index. With the continuous fall in inflation, the real value of the minimum wage was on the increase. In 1997, 3.6 per cent of the employed (275,000 persons) received the minimum wage.

Table 10. The rise in minimum wages against the background of prices in the years 1995-1998

	1995	1996	1997	1998
Minimum wage (previous year = 100)	132.6	124.1	120.6	116.2
Prices (previous year = 100)	127.8	119.9	114.9	111.8

Source: Data of the Ministry of Labour and Social Policy on the basis of investigations by the Main Statistical Office.

65. The previous report described (still valid) rules for fixing the lowest remuneration. In addition, from 1994 onwards, the Confederation of Polish Employers has taken part in negotiations. The valorization of the lowest remuneration enabled a systematic growth of this category, higher than the rise in average wages in the national economy. In the years 1996-1998,

the negotiating parties had agreed to the lengthening of the period between successive dates of raising the lowest remuneration. This became possible owing to the fall in inflation. In the course of successive negotiations an agreement was concluded as to the target date for the lowest remuneration being in force. If inflation tendencies got stronger, there was a possibility of renegotiating the amount of the lowest remuneration.

66. The lowest remuneration was determined on the basis of the basket of goods and services resulting from the investigation into household budgets by the Main Statistical Office. The basis of the calculation was the so-called low consumption (the first 20 per cent of the expenses of the total number of persons in a workers' household); these expenses were assumed to be indispensable. The basket was made up of all categories of expenses borne by households, except for expenses on alcohol, tobacco and private transport. This calculation basis was updated every year after the new results of investigations into household budgets had been published. Other indices were also taken into account in the formula that determined the lowest remuneration:

(a) The percentage of earnings from paid employment in average wages in total (the lowest remuneration did not take into account bonuses, profit shares and benefits paid out to employees);

(b) The average number of persons maintained by a wage earner (the purpose of this index was to emphasize that the remuneration should be family-oriented);

(c) The Consumer Price Index (its purpose was to adjust the level of the lowest remuneration and counteract the loss of its real value).

67. The observance of the law concerning minimum wages in the years 1995-1998 was under the supervision of the State Labour Inspection, as was the case over the years covered by the previous report.

Table 11. The rise in the lowest and average earnings in the years 1988-1998

Specification	1988	1993	1997	1998
Lowest earnings in PLN net	1.5	138.44	375.01	431.52
Average earnings in PLN	5.31	320.15	877.29	1 026.70
Lowest earnings/average earnings	28.2	43.2	43.0	41.9
Consumer Price Index	100.0	7 933.7	18 466.2	2 645.2
Real lowest earnings	100.0	116.3	128.9	135.7
Real average earnings	100.0	76.0	89.5	93.7

Source: Data of the Ministry of Labour and Social Policy on the basis of the investigations of the Main Statistical Office.

68. The established level of the lowest earnings continues to be guaranteed by the State. The law ensured the workers who had not attained the lowest level of earnings a monthly compensation which supplemented the wages they received in particular months to the mandatory amount of the lowest earnings. The employed whose wages were not established in keeping with the above rules were able to lodge claims with the labour courts. The observance of the law concerning minimum wages continued to be under the supervision of the State Labour Inspection, a supervisory agency of the State administration; it was within its competence to oversee the payments of wages and other employee benefits.

D. Equal conditions and wages for work of equal value: the problem of women

69. The Constitution of 1997 guarantees the two sexes equal rights in all walks of life, including equal rights to remuneration according to the principle of "equal pay for equal work". From 2 June 1996 onwards (the date of the amendment of the Labour Code of 2 February 1996 coming into force), the provisions of the Labour Code also guarantee the equality of rights of workers (article 11 (2) is concerned with the equal rights of men and women in the area of work). The amended provisions of the Code prohibit any discrimination in respect of sex (art. 11 (3)). The cases of women receiving lower remuneration for work of equal value did occur, however, both in the private and public sector (it is estimated that on average women earned 30 per cent less than men). The previous report dealt comprehensively with that problem and its findings are still valid. In many cases, the inequalities resulted from the fact that women more often than men worked in areas not connected with production where wages were as a rule lower, including the wages of men. Controversy had also been aroused over the new old-age pension Act of 17 December 1998, which made it possible for women to retire five years earlier than men - at the age of 60 - which affected the level of their retirement pensions. There was no obligation to retire immediately on reaching the appropriate age, but the provision on early retirements of women had often been treated by employers in the years 1995-1998 as a pretext for terminating the employment contracts. Women's opinions on the subject were divided, but new solutions in this respect are likely.

Table 12. Comparison of earnings of fully employed women and men as of September 1997

	Gross earnings brackets in PLN and percentages of women and men in each bracket														
	Up to 460	460-540	540-620	620-700	700-780	780-860	860-940	940-1 020	1 020-1 200	1 200-1 500	1 500-2 000	2 000-2 500	2 500-3 000	3 000-3 500	Over 3 500
W	5.1	6.6	9.4	10.0	9.7	9.6	8.5	7.5	12.0	10.9	6.2	2.1	1.0	0.5	0.9
M	4.2	4.8	5.5	6.0	6.4	7.1	6.9	6.8	12.6	14.8	12.7	6.0	2.7	1.3	2.2

Source: Data of the Main Statistical Office.

70. If an employee believes that - against the law - he was being discriminated against, he could turn to the labour court, which, if discrimination is proved, instructs the employer that he must abide by the principle of equal pay for work of equal value. If appropriate, the court would also adjudge compensation for the employee. The latter could also lodge a complaint with the trade unions, the State Labour Inspection or the Commissioner for Citizens' Rights.

71. In 1995, a new classification of occupations and specialties was developed; it replaces the one of 1982. This was connected with the ratification by Poland of ILO Convention No. 160 and the adoption of ILO Directive No. 170 on labour statistics. It was necessary to adjust the Polish classification to the "International Standard of Classification of Occupations ISCO - 1998", which was adopted in 1987 during the XIV International Conference of Labour Statistics in Geneva. The new classification introduced a uniform method of work appraisal based on analysis and scoring. The purpose of such classification was to achieve a standard model of proportionality of wages, ensuring uniformity of measurements (manual work and white-collar work). The team that developed this methodology placed special emphasis on the weighting of the number of points ascribed to particular criteria and on the objectivity of appraisal. The criteria for differentiation were based on features that were already present in the systems of remuneration and were consistent with the criteria of the International Labour Organization. The method known as "synthetic work appraisal" was also used. In addition, it was the practice of establishments to use other methods of work appraisal that help to apply the principle of equal pay for work of equal value.

E. Wages in the public and private sectors

72. The following tables show average monthly wages by sector for the years 1995-1998:

Table 13. Average monthly wages (gross) by sector, 1995-1998 in PLN (total)

	1995	1996	1997	1998
Total	690.92	874.30	1 065.76	12 392.69
Public sector	753.53	960.96	1 177.36	1 360.42
divided into:				
State property	777.73	1 014.34	1 239.46	1 425.22
municipal property	621.64	781.39	969.15	1 136.72
Private sector	598.95	759.41	956.26	1 119.96
divided into:				
domestic private property	543.05	681.23	844.23	983.94
of which cooperative property	558.67	715.82	884.88	1 023.90
foreign private property	899.33	1 166.84	1 431.50	1 654.27

Source: Data of the Ministry of Labour and Social Policy on the basis of the investigations of the Main Statistical Office.

Table 14. Average monthly wages (gross), by sector, 1995-1998 in PLN (by sector)

	Public sector				Private sector			
	1995	1996	1997	1998	1995	1996	1997	1998
Agriculture hunting and forestry	707.29	947.41	1 176.73	1 434.98	496.42	637.60	759.32	885.71
Fishing and fisheries	11.93	784.34	931.66	1 207.97	500.05	665.01	797.91	969.22
Industry	85.80	1 132.46	1 446.90	1 570.82	05.46	770.34	967.41	1 122.06
Mining and the mining industry	1 350.32	1 693.04	1 986.57	2 176.87	884.69	1 106.95	1 415.26	1 674.57
Production	723.83	929.75	1 177.64	1 379.31	02.04	766.75	962.55	1 114.81
- energy - gas - water	1 015.77	1 266.72	1 494.19	1 637.81	849.61	1 016.21	1 202.77	1 524.69
Construction industry	649.04	852.08	1 056.49	1 379.52	586.61	741.68	948.24	1 118.20
Commerce and repairs	843.93	1 070.66	1 330.84	1 619.96	48.18	689.26	864.84	1 014.62
Hotels and restaurants	594.27	743.76	939.66	1 320.65	428.96	530.41	675.30	807.53
Transport, storing communications	728.17	928.73	1 157.17	1 371.90	718.77	854.19	1 038.96	1 226.40
Financial intermediation	973.37	1 271.36	1 540.16	1 749.30	1 062.93	1 388.93	1 810.11	2 199.19
Real estate and business service	764.51	980.64	1 241.35	1 509.00	715.39	931.72	1 130.74	1 283.50
Public administration, National defence	858.73	1 131.15	1 362.99	1 573.85	906.75	1 168.73	1 374.08	1 775.54
Education	618.09	790.78	976.58	1 148.91	620.04	784.14	997.12	1 229.61
Health care and social assistance social assistance	574.98	717.67	1 017.83	507.55	648.69	767.10	767.10	986.20
Remaining municipal, social and individual activities	697.35	874.93	1 093.73	1 307.77	566.29	697.32	849.36	994.18

Source: Data of the Ministry of Labour on the basis of the investigations of the Main Statistical Office.

73. As shown in the previous report, there are still differences in wages to the disadvantage of the private sector. In the years 1995-1998 these differences continued to grow in a number of sectors of the economy. The sector of "Financial intermediation" (the growing private banking and financial sector) was an exception. It is likely, that in the foreseeable future, considering that the share of the private sector in GDP is growing, as is the percentage of persons employed in this sector, the situation may change to the disadvantage of the public sector. Before this happens, however, there must be a fundamental restructuring of private but low-income agriculture, as well as privatization of still numerous State-owned industrial enterprises, mines and steel mills.

F. Legal and administrative regulations in respect of safety and health at work

74. Article 66 of the Constitution of the Republic of Poland stipulates that everyone should have the right to safe and hygienic conditions of work (the mode of implementation of this right is prescribed by law). The Constitution also stipulates that work should be protected by the State, which exercises supervision over the conditions of work (art. 24), and in addition, everyone should have the right to have his health protected (art. 68).

75. The Act of 26 June 1974 - the Labour Code - in its section X, "Work Safety and Hygiene", defines the employer's duties in this area (he is to protect the health and life of employees). The Code also contains provisions on the protection of life and health of the employees in section VIII, "Protection of Women's Work", and section IX, "Employment of Young Adults". The provisions of the Code, together with the provisions prescribing the rights of trade unions and social labour inspection, as well as legal acts regulating the activities of organs for the supervision and control of working conditions (the State Labour Inspection, the Sanitary Inspection, etc.), make up the framework of the statutory system of labour protection. The Labour Code amended by the Act of 2 February 1996 (Journal of Laws of 1996, No. 24, text 110) adjusted the labour law in the area of safety and health at work to the rules of the market and standards deriving from the directives of European Community and ILO conventions. Changes in section X of the Code determined the basic duties of employers towards employees as well as the basic rights and duties of employees in the area of safety and health at work. Article 207, paragraph 1, of the Code unequivocally imposed on the employer the responsibility for the safety and health conditions at work. He is obliged to know, within the scope of his duties, the provisions on the protection of work, including provisions and rules in respect of safety and health at work (article 207, paragraph 3, of the Code).

76. In the previous report, the regulations of the amended Code that were designed at the time and have been binding since 1996 were described in detail. Other new regulations, which were discussed in the previous report, are:

(a) The imposition on the employer whose activities can cause a sudden hazard to the health and life of employees of the duty to take measures to prevent such hazard (art. 224, para. 1);

(b) The obligation of the employer to ensure that work which can be particularly hazardous to human health or life is performed by at least two persons for the sake of safety;

(c) The obligation of the employer to ensure training for employees in the area of safety and health at work before they have been admitted to work, as well as periodic training courses at his expense and during working hours (article 237, paras. 2 and 3);

(d) The obligation of the employer employing more than 10 employees to ensure the establishment of safety and health at work services exercising consultative and supervisory functions in this area (art. 237, para. 1).

77. Supervision and control of the observance of the labour law, including the provisions and rules in the area of safety and health at work, were exercised by the State Labour Inspection, which is subordinate to the Sejm of the Republic of Poland. The Inspection has the most comprehensive scope of competences and exercises supervision over the safety and health at work in all industrial establishments through the inspection of the condition of buildings, facilities and working posts, as well as machinery. ,Labour inspectors were public prosecutors before misdemeanour courts in cases relating to infringements of the rights of workers as prescribed in the Labour Code and other acts.

78. The Sanitary Inspection is subordinate to the Ministry of Labour and Social Policy and exercises supervision, among other things, over conditions of safety and health at work in order to protect people's health against harmful and burdensome situations, and in particular to counteract the development of occupational diseases and other diseases connected with working conditions. The supervision was carried out through check-ups in establishments and monitoring the observance of regulations in respect of safety and health in the working environment.

79. The new Penal Code imposed criminal responsibility on employers for serious infringements of the standards of safety and health at work.

80. There were no categories of employees that were excluded from the above regulations in the years 1995-1998. The provisions of section X of the Labour Code on safety and health at work and the executive provisions concerned all workers, that is persons employed on the basis of a contract of employment, appointment, election, nomination or cooperative contract of employment. In accordance with article 304 of the Code, the employer was obliged to ensure safe and healthy working conditions to manual workers who performed work on the basis other than an employment relationship (e.g. employed on the basis of a commissioned contract or contract for a particular job) in an establishment or place designated by the employer.

81. The following tables provide statistical data on accidents at work and occupational diseases:

Table 15. Persons who suffered from accidents at work (apart from individual farms in agriculture) and the number of days of incapacity for work caused by accidents in the years 1995-1998 in comparison with 1990

Year	In total	In accidents			Out of total		Days of incapacity for work	
	In absolute numbers	Fatal	Serious	Remaining	Women	Youths	Abs. numbers	Per 1 injured
1	2	3	4	5	6	7	8	9
1990	108 274	850	5 507	101 917	18 905	1 204	4 083 407	38.0
1995	112 205	624	2 249	109 332	23 688	1 009	4 518 221	40.5
1996	117 119	647	2 106	114 366	26 907	1 039	4 856 192	41.7
1997	120 897	702	2 014	118 181	28 715	1 047	5 130 073	42.7
1998	117 518	651	1 862	115 002	28 859	1 015	4 097 667	35.1

Source: Data of the Main Statistical Office.

Table 16. Accidents at work and occupational diseases in agriculture in the years 1995-1998

Specification	1995	1996	1997	1998
Accidents at work (in agriculture) in total	39 864	39 408	41 560	29 777
Out of this: fatal	318	250	334	288
Occupational diseases in total	80	82	139	141
Rate of accidents per 1 000 of the insured in individual farms	27.9	28.4	29.3	21.0

Source: Information of the Ministry of Agriculture and the Food Industry.

82. It follows from the analysis of fatal accidents in agriculture that in the years 1995-1998, the greatest number of persons perished as a result of being run over, hit or caught by a means of transport in motion. Another group was made up of persons who had fallen from a height or into pits. The third group included persons who had been suddenly taken ill and died while performing agricultural work or immediately after finishing it.

83. The following is the position of the Ministry of Agriculture and the Food Industry with respect to the comments of the Committee on the previous report concerning safety and health at work:

(a) The following regulations are binding in the public institutions of the Ministry of Agriculture:

- The Act of 26 June 1974 on the Labour Code (Journal of Laws, No. 24, text 141, with subsequent amendments);
- The Act of 12 June 1975 on benefits in case of accidents at work and occupational diseases (Journal of Laws, No. 20, text 105);
- The Act of 27 June 1997 on occupational medicine service (Journal of Laws of 1997, No. 96, text 593);
- The Ordinance of the Council of Ministers on the determination of circumstances and causes of accidents at work (Journal of Laws of 1998, No. 115, text 744);
- The Ordinance of the Minister of Labour and Social Policy of 26 September 1997 on the general regulations in respect of safety and health at work (Journal of Laws, No. 129, text 844);
- The Ordinance of the Minister of Labour and Social Policy of 30 May 1996 on performing the medical check-ups of employees, the scope of health care for employees and medical certificates issued for purposes prescribed in the Labour Code (Journal of Laws of 1996, No. 86, text 394);

- The Ordinance of the Minister of Labour, Wages and Social Affairs and of the Minister of Health and Social Assistance on the rules and procedure of determining damage to health and paying out benefits in case of an accident at work, on the way to and from work and in case of occupational diseases (Journal of Laws, No. 36, text 199);

(b) The following regulations were binding with respect to individual agricultural farms:

- In the case of employing paid labour force, the regulations are the same as under (a);
- With respect to private owners of farms, these are:
  - The Act of 20 December 1990 on the social insurance of farmers (Journal of Laws of 1993, No.71, text 342, with amendments;
  - The Act of 12 June 1975 on benefits in case of accidents at work and occupational diseases - as above;
  - The Ordinance of the Minister of Labour, Wages and Social Affairs and the Minister of Health and Social Assistance of 17 October 1975 - as above;
  - The Ordinance of the Minister of Agriculture and Food Industry of 21 October 1991 on determining the rules for establishing the right to agricultural invalidity pension as well as reporting and determining the circumstances and causes of an accident at work in agriculture (Journal of Laws, No. 103, text 449);
  - The Ordinance of the Minister of Agriculture and Food Industry of 10 December 1991 on determining the rules for establishing the amount of one-time compensation in case of an accident at work in agriculture and occupational diseases as well as sickness benefit (Journal of Laws of 1991, No. 117, text 509;
  - The Order No. 51 of the President of the Agricultural Social Assistance Fund of 5 September 1994 introducing "Rules and procedure for the registration of accidents at work in agriculture and consideration of applications of the insured for one-time compensation in case of permanent or long-lasting damage to health or death caused by an accident at work in agriculture or agricultural occupational disease" (not published).

(c) The State Labour Inspection oversaw the observance of regulations and rules for safety and health at work in the public institutions of the Ministry of Agriculture. The observance of regulations and ordinances (as listed under point 18) in private agricultural farms insured with the Agricultural Social Assistance Fund was supervised by inspectors employed in regional branches of the Fund, in Sections for Prevention and Rehabilitation; their competences derive from the regulations in force and are recognized by individual farmers (private farm owners).

Table 17. Accident rates per 1 000 employees in selected sectors in the years 1997-1998 (apart from individual farms in agriculture)

Sector	Injured	Fatal	Serious	Injured	Fatal	Serious
	1997			1998		
Total, out of which:	10.33	0.060	0.17	9.86	0.055	0.16
Fishing, hunting and forestry	14.67	0.121	0.33	13.42	0.120	0.25
Fishing and fishing industry	10.97	0.627	0.47	10.53	0.239	0.24
Mining and mining industry	29.16	0.111	0.19	24.39	0.157	0.20
Production	15.82	0.058	0.50	15.45	0.055	0.24
Supply of electricity, gas and water	10.05	0.062	0.15	10.10	0.082	0.12
Building industry	14.72	0.195	0.33	14.12	0.143	0.32
Commerce and repairs	3.74	0.039	0.10	4.07	0.035	0.08
Transport, storing and communications	9.51	0.098	0.18	8.73	0.081	0.15

Source: Data of the Main Statistical Office.

Table 18. Occupational diseases in the years 1988-1998

1988	Number of occupational diseases - 9 604 Incidence rate by 100 000 - 77.0
1993	Number of occupational diseases - 10 955 Incidence rate by 100 000 - 128.7
1997	Number of occupational diseases - 11 685 Incidence rate by 100 000 - 116.9
1998	Number of occupational diseases - 12 017 Incidence rate by 100 000 - 117.3

Source: Data of the Main Statistical Office.

G. The principle of equal access to promotion

84. This principle was guaranteed in the years 1995-1998 on the strength of legal acts referred to here many times (the Constitution, the Labour Code, and others) and acts such as ordinances and orders of the Council of Ministers and particular ministries. The practice in this area, as in any country, was more complex (it was more difficult for women to be promoted), but there were no legal limitations. The decisive factor was the level of competence, sometimes also the length of service, particularly in the "budgetary" units.

85. No groups were legally discriminated against. In practice, there were cases which were inconsistent with the principle, as in any country. The situation of women was closely connected with their status in the labour market and with respect to retirement (previously described cases of discrimination, particularly against pregnant women, in terms of lower wages and earlier retirement). Women failed to be promoted for various reasons. Pregnancy, potential pregnancy, household duties, age, physical and mental condition and qualifications were the arguments or pretexts most often used to hinder the promotion of women by some employers. The highlighting of the actual rather than the formal equality of women, including the employee-related and social issues, which has been clearly observed for the last few years should, however, limit these practices. Article 11.3 of the Code, while prohibiting discrimination, does not provide for any sanctions when it happens. Persons and groups discriminated against can, however, claim before a labour court respect for their rights as contained in the Labour Code and other provisions of the labour law, and did so many a time in the years 1995-1998. In accordance with article 35, paragraph 1, text 3, of the Act of 23 May 1991 on trade unions, any person who by virtue of the post held or function performed discriminated against an employee in connection with his trade union membership, was subject to a fine. In other cases, the employee could claim his rights indirectly, through a complaint filed with a trade union, the Labour Court, the State Labour Inspection or the Commissioner for Citizens' Rights.

II. Legislation and practice concerning rest and leisure time

86. According to article 66 of the Constitution of 2 April 1997, citizens have the right to days free from work. The Labour Code, in sections 6 and 7, is concerned with working time and employees' leave. Article 14 of the Code guarantees the right to rest which is stipulated by the provisions on working time, holidays and vacation leave. According to article 128, "working time" is the time when the employee remains at the disposal of the employer at the enterprise or other place designated for the performance of work. The working time is not only the time of actual performance of work but also the time of staying ready for work and breaks in work that are statutorily prescribed as part of the working time. The Code introduced maximum working norms - 8 hours per day and, on average, 42 hours a week in the calculating period of up to three months. One should take into account in this schedule 39 days off in a calendar year, while the number of days off in any consecutive three-month period cannot be less than 9. Other working time norms have been established;

(a) Young adults (according to article 202 of the Code, the working time of a young employee under 16 years of age cannot exceed 6 hours per day, and for the employee over 16 years of age, 8 hours per day);

(b) Workers employed in a continuous working system (according to article 132, paragraph 2, working time in a continuous working system cannot exceed 8 hours per day, and on average up to 48 hours per week in a calculating period of up to 4 weeks);

(c) A four-shift or other similar system of work (according to article 132, paragraph 4, working time cannot exceed 8 hours per day, and on average 40 hours a week in a calculating period of up to 4 months).

87. Other employee categories also benefited from shorter working time norms than those prescribed by the Code. Their duties and rights are determined by the provisions of other acts concerning, for example:

(a) Government employees (Act of 16 September on government employees, Journal of Laws, No. 31, text 214, with subsequent amendments);

(b) Disabled employees (Act of 27 August 1997 on the occupational and social rehabilitation and on employing the disabled, Journal of Laws, No. 123, text 776, with subsequent amendments);

(c) Teachers (Act of 26 January 1982 - "The Teacher's Charter", Journal of Laws, No. 56 of 1997, text 357);

(d) Civil servants (Act of 5 July 1996 on civil service, Journal of Laws, No. 21, text 124, with amendments).

88. In the reporting period, shorter working time norms could also be introduced by way of collective agreements.

89. A different mode was used for reducing working time for persons employed in particularly onerous work or under conditions harmful to health. Shorter working time norms for such employees was introduced by way of a legal act of the Council of Ministers. These regulations were to be in force for three years from the time the amended section 6 of the Labour Code came into force, that is until 31 December 1999. After the amendment of the Code, the reduction of working time of persons employed under conditions particularly onerous or harmful to health could be effected only on the basis of the provisions of collective agreements or statutes (art. 130). The work performed over and above working time norms was overtime work. Such work was permissible only if a rescue operation was necessary in order to save human life or health, to protect property, to eliminate a breakdown, or in the case of special needs of the employer. If overtime work was necessary because of the employer's special needs, a limit to such work had been fixed at 4 hours a day and 150 hours a year. For overtime work, the employee was entitled, apart from regular pay, to additional pay (50 per cent for the first two overtime hours or 100 per cent for overtime hours falling at night-time, Sundays or holidays) or compensatory free time. For overtime work falling on an additional rest day for which no other day off had been granted, the employee was entitled to a supplement amounting to 100 per cent of the remuneration for all working hours on that day. For work performed at night, the employee was entitled to a supplement amounting to 20 per cent of the remuneration (article 137 of the Code).

90. In accordance with article 152 of the Labour Code, the employee was entitled in the reporting period to an annual, continuous, paid vacation leave. He could not renounce his right to such leave. The length of a vacation leave was 18 working days after one year of work, 20 working days after 6 years of work and 26 working days after 10 years of work. The employee received the right to his first leave after six months of work; such leave should

last half the length of a leave the employee would be entitled to after one year of work. The provisions for certain categories (teachers, the disabled, combatants) established longer vacation leave. Collective agreements could also provide for longer vacation leave. According to the provisions of the Code, the length of a leave was determined on the basis of general job tenure (seniority), taking into account the period of education in post-elementary schools. Breaks in employment and the mode of terminating the employment relationship did not affect the job tenure which decided the right to and the length of a leave. During a calendar year in which the employment relationship with the employee was terminated, the latter was entitled to a leave proportional to the completed working period. Such a leave was also due to an employee changing job during the calendar year, in proportion to the length of the period worked. The proportional mode of determining the length of a leave also applied to an employee who during the calendar year returned to work after at least one month of leave without pay or other break in employment during which no right to a leave was acquired. Seasonal workers were entitled to 1.5 days of leave per one month, irrespective of the tenure of job and education. A vacation leave was granted for working days, that is all days except Sundays and holidays. Additional rest days were not rated as leave. The employer was obliged to grant to the employee a leave during the calendar year in which the latter acquired the right to such leave, or at the latest before the end of the first quarter of the next calendar year. The leave should be granted according to a leave schedule fixed by the employer and negotiated with the trade union organization; the employees' wishes had also to be taken into account. On the employee's application the leave he was entitled to could be divided into parts; one part of the leave, however, had to include no fewer than 14 consecutive calendar days. For the time of leave, the employee was entitled to the remuneration he would receive if he worked during this time. If the leave had not been used at the termination of the employment relationship, the employee was entitled to a cash equivalent for this leave.

I. New legislation and administrative acts relating to article 7

91. These were:

- Article 24 of the Constitution (protection by the State of work and the conditions under which it is performed);
- Article 65, paragraph 4, of the Constitution (minimum level of remuneration, legislation to be enacted);
- Article 66 of the Constitution, paragraph 1 (safety and health at work), paragraph 2 (the right to days free from work);
- Article 68 of the Constitution (the right to health care);
- The Amendment of the Labour Code adopted by the Sejm on 2 February 1996 (Journal of Laws of 1996, No. 24, text 110, with subsequent amendments);
- The Act of 27 August 1997 on the rehabilitation and employment of the disabled (Journal of Laws, No. 123, text 776);

- The Act of 5 July 1996 on civil service (Journal of Laws, No. 21, text 124);

- The Ordinance of the Minister of Labour and Social Policy of 29 January 1998 on the minimum remuneration (Journal of Laws, No. 16, text 74);

- The Ordinance of the Minister of Health and Social Assistance of 19 June 1996 on safety and health at work while preparing, administering and storing cytostatic drugs in health care collectives (Journal of Laws, No. 80, text 376);

- The Ordinance of the Minister of Health and Social Assistance of 6 July 1998 on vaccination of medical personnel threatened with hepatitis B infection (Journal of Laws, No. 9, text 600);

- The Ordinance of the Minister of Health and Social Assistance of 12 July 1996 on the register of establishments authorized to investigate materials and technological processes with a view to determining the degree of their harmfulness (Journal of Laws, No. 101, text 473);

- The Ordinance of the Minister of Health and Social Assistance of 1 July 1996 on the prohibition on using, trading and transporting certain dangerous chemical substances (Journal of Laws, No. 86, text 393);

- The Ordinance of the Minister of Health and Social Assistance of 21 August 1997 on chemical substances hazardous to health or life (Journal of Laws, No. 105, text 671);

- The Ordinance of the Minister of Health and Social Assistance on carcinogenic factors in the working environment and the protection of health of the employees exposed to such factors (Journal of Laws, No. 121, text 571);

- The Ordinance of the Minister of Health and Social Assistance of 9 July 1996 on investigation and measurements of factors harmful to health in the working environment (Journal of Laws, No. 86, text 394);

- The Ordinance of the Minister of Labour and Social Policy of 26 September 1996 on general regulations with respect to safety and health at work (Journal of Laws, No. 129, text 844);

- The Ordinance of the Minister of Labour and Social Policy of 28 May 1996 on the categories of work requiring special physical and mental abilities (Journal of Laws, No. 62, text 287);

- The Ordinance of the Minister of Labour and Social Policy of 28 May 1996 on the categories of work which should be performed by at least two persons (Journal of Laws, No. 62, text 288);

- The Ordinance of the Minister of Labour and Social Policy of 17 June 1998 on the highest admissible concentrations and intensities of factors harmful to health in the working environment (Journal of Laws, No. 79, text 513);

- The Ordinance of the Minister of Health and Social Assistance of 30 May 1996 on performing the medical check-ups of employees, the scope of health care for employees and medical certificates issued for purposes prescribed in the Labour Code (Journal of Laws, No. 69, text 332, of 1997 No. 60, text 375, and of 1998 No. 159, text 1057);

- The Ordinance of the Council of Ministers of 28 July 1996 on prophylactic foods and beverages (Journal of Laws, No. 50, text 279);

- The Ordinance of the Council of Ministers of 2 September 1997 on occupational safety and health services (Journal of Laws, No. 109, text 704);

- The Ordinance of the Minister of Labour and Social Policy of 28 May 1996 on detailed rules for training in the area of safety and health at work (Journal of Laws, No. 62, text 285);

- The Ordinance of the Council of Ministers of 29 July 1998 on determining the circumstances and causes of accidents at work and the method of their documentation as well as the scope of information recorded in the register of accidents at work (Journal of Laws, No. 115, text 744);

- The Ordinance of the Minister of Labour and Social Policy of 2 October 1998 on a model of a report for determining the circumstances and causes of accidents at work (Journal of Laws, No. 128, text 849);

- The Order of the Minister of Labour and Social Policy of 30 December 1996 on determining a model of a statistical card of an accident at work and the course of action connected with it (Monitor Polski of 1997 No. 1, item 1, item 6);

- The Ordinance of the Minister of Labour and Social Policy of 1 December 1998 on safety and health at work on posts equipped with computer monitors (Journal of Laws, No. 148, text 973);

- The Ordinance of the Council of Ministers on jobs prohibited for women (Journal of Laws, No. 114, text of the Ordinance of the Council of Ministers 545);

- The Ordinance of the Council of Ministers on the register of jobs prohibited for young adults (Journal of Laws, No. 85, text 500, of 1992 No. 1, text 1, of 1998 No. 105, text 658;

- The Order of the Minister of Labour and Social Policy of 26 June on the minimum remuneration for employees' work.

III. REALIZATION OF THE RIGHTS ENSHRINED IN ARTICLE 8

A. Ratified international instruments

92. The relevant international instruments ratified as at the end of 1998 were the following:

- International Covenant on Civil and Political Rights;
- ILO Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87);
- ILO Right to Organize and Collective Bargaining Convention, 1949 (No. 98);
- ILO Labour Relations (Public Service) Convention, 1978 (No. 151), as well as the Rural Workers Organizations Convention, 1975 (No. 141).

93. A discussion of problems connected with article 8 was included in the reports of the Government of the Republic of Poland on the application in the national legislation and practice of the provisions of the ILO conventions ratified by Poland (i.e. Nos. 87, 98 and 151).

B. Conditions for joining and forming trade unions

94. The Polish legislation was consistent with the requirements of the Covenant in the reporting period. Article 59 of the Constitution of 2 April 1997 guarantees:

- The right to associate in trade unions, organizations of farmers and in employers' organizations;
- The right of trade unions as well as of employers and their organizations to negotiate, particularly for the purpose of resolving collective disputes, to conclude collective labour agreements and other arrangements;
- The right to organize workers' strikes or other forms of protest, with the reservation that this right can be limited with respect to certain categories of workers or sectors of the economy or that strikes can be totally prohibited;
- That the right to form trade unions and employers' organizations may only be subject to such statutory limitations as are permissible in accordance with international agreements to which the Republic of Poland is a party.

95. Formal conditions for registration were described in the previous report for the years 1992-1994. The Act of 23 May 1991 on trade unions (Journal of Laws of 1991, No. 55, text 234) was amended eight times in the years 1996-1997. These amendments were consequent upon the necessity to adapt the Labour Code to the requirements of a market economy and trade union freedoms (Journal of Laws of 1996, No. 24, text 110). They introduced the mechanisms

of cooperation between employers and trade unions under conditions of trade union pluralism and the practice of granting leave (paid or unpaid) to unions' representatives. Criminal responsibility was established for persons in managerial posts who infringed trade union rights as well as for trade union leaders in charge of union actions that broke the law (Journal of Laws of 1997, No. 88, text 554). The application of the Act was extended to the police, border guards, prison guards and the State Fire Brigade. The criteria were established for the division of property between "Solidarity" Trade Union (NSZZ "Solidarnosc") and the Polish Trade Union Alliance (OPZZ) (Journal of Laws of 1996, No. 75, text 355).

96. The following regulations concern the formation of trade unions by particular categories of workers (supplemented by regulations in respect of career soldiers):

- Act of 5 July 1996 on the Civil Service (Journal of Laws, No. 89, text 402, with subsequent amendments), article 49, paragraph 3 of which states: "A civil servant rated among category A of officials has no right to form or join trade unions or political parties. On the day an official has been assigned to category A, his membership in trade unions and political parties ceases by virtue of the law";

- Act of 6 April 1990 on the State Security Office (Journal of Laws, No. 30, text 180, with amendments), article 54 of which states: "Functionaries cannot associate in a trade union";

- Act of 12 October 1990 on the Border Guard (Journal of Laws, No. 78, text 462, with amendments), article 72 of which states that functionaries can associate in a trade union of functionaries of the Guard; the provisions of the act on trade unions are applicable here with the reservation that only one trade union can act in the Guard and that such union has no right to strike;

- Act of 30 June 1970 on the military service of professional soldiers (Journal of Laws of 1997, No. 10, text 55, with amendments), article 70, paragraph 1 of which states: "Professional soldiers cannot form trade unions or associate in them";

- Act of 21 November 1967 on the universal duty to defend the Republic of Poland (Journal of Laws of 1992, No. 4, text 16, with amendments), article 65, paragraph 5 of which states: "Soldiers in active military service cannot form and join trade unions or take part in the activities of trade unions whose members they were when they were called up to this service";

- Act of 26 April 1996 on the Prison Guard (Journal of Laws, No. 61, text 283, with amendments), article 14 of which states the functionaries can associate in a trade union of functionaries of the Prison Guard; the provisions of the Act of 23 May 1991 are binding with respect to the Prison Guard, but only one trade union can act there, without the right to strike;

- Act of 6 April 1990 on the Police (Journal of Laws, No. 39, text 179, with amendments), article 67 of which states that policemen can associate in a trade union of the Police; the provisions of the Act of 23 May 1991 are binding with respect to the Police, but only one trade union can act there, without the right to strike;

- Act of 23 December 1994 on the Supreme Chamber of Control (Journal of Laws of 1995, No. 13, text 59, with amendments), article 86 of which states that the employees of the Supreme Chamber of Control, with the exception of the president, vice-presidents, director general, directors and vice-directors of the organizational units, as well as the President's advisers, have the right to associate in trade unions; the supervisory workers or those carrying out supervisory actions can belong to a trade union associating the workers of the Supreme Chamber of Control exclusively. Only one trade union can act in the Supreme Chamber of Control.

C. Restrictions on the right to organize and form trade unions

97. Organizing and forming trade unions could be restricted in the reporting period, only on the basis of the principles discussed in the previous section and on the basis of the Act of 23 May 1991 on trade unions referred to in the previous report.

D. Government safeguards of the right of trade unions to establish federations and join international trade union organizations

98. According to article 11 of the Act of 23 May 1991 on trade unions:

(a) Trade unions have the right to form national associations (federations) of trade unions;

(b) The national trade unions and associations of trade unions can form inter-trade union organizations (confederations);

(c) Trade union organizations, including federations and confederations, have the right to form and join international workers' organizations.

99. Infringements of this guarantee were punishable by a fine or a penalty of restricted liberty (article 35 of the Act on trade unions). In practice, this right can be implemented without hindrance (no court cases).

E. Restrictions on the freedom of action of trade unions

100. During the reporting period, trade unions were and continue to be independent of employers, State administration, local self-government and other organizations. The material guarantee of the freedom of trade unions was the duty imposed on the employer to supply the establishment's trade union organization with premises and technical equipment for carrying out union activities. The two sides decided together on the scope of this duty. The duty to observe

the law constituted the limit to the freedom of trade unions. The breach of law carried the threat of a sanction, e.g. a fine or a penalty of restricted liberty for trade union activists. The unions could demand that the employer provide them with the information that was necessary for their activities, particularly concerning working and wage conditions. The unions' representatives were obligated not to disclose secret information obtained from the employer. They were also obligated to observe the provisions of the Act on the protection of personal data.

101. The Commission for Collective Labour Agreements is affiliated to the Ministry of Labour and Social Policy. It is made up of representatives of State administration, trade unions and employers' organizations. The Commission's tasks consisted, among other things, in helping the sides to conclude a collective labour agreement, supplying the interested parties with information on the regulations concerning collective labour agreements, on their interpretation and on legal decisions in this area, as well as in propagating experiences that stem from the Commission's work. Conferences, seminars and meetings concerning collective labour agreements were organized under the patronage of the Minister of Labour and Social Policy. A number of publications concerned with the labour agreements law have also been issued.

F. Data on trade unions and trade union membership

102. According to the data of the Ministry of Justice, based on the information supplied by the registration courts, at the beginning of 1998 there were in Poland 23,956 registered trade union organizations in all, 172 inter-establishment organizations and 163 associations of trade unions. The data on trade union membership in the reporting period in Poland were not covered by official statistics. The information obtained from particular trade union organizations was divergent and unreliable. It is estimated that the so-called "unionization" index was 30 per cent of the employed. According to their own information, the most numerous national trade union organizations were:

(a) The Polish Trade Union Alliance (OPZZ) is a national federation of 97 branch trade unions (data of 31 December 1998 officially declared at the IV Congress of OPZZ in March 1998). According to the same data, OPZZ had 2,426,300 contribution-paying members; out of this number, there were 520,000 old-age pensioners, pensioners and unemployed, as well as 2,426,300 economically active persons. These numbers, however, are quite unreliable. According to other estimates, the membership could have been more than half that number. The wide range of membership estimates, from 1 million to nearly 3 million members, indicates that without serious statistical research such data could not be responsibly quoted. A chairman is at the head of the Alliance; its headquarters is in Warsaw. The structure of OPZZ was complex, since it is the sum of the structures of different trade unions. At the end of 1998, OPZZ constituted part of the Alliance of the Democratic Left (SLD), a grouping of political parties, trade unions and social organizations regarding themselves as leftist;

(b) The Independent Self-Governing Trade Union "Solidarity" (NSZZ "Solidarnosc") has a national and local branches with an industry-related structure. There were 37 "Regions" acting within the framework of the Union. The biggest among them was "Slasko-Dabrowski" Region (about 200,000 members in over 1,000 "commissions" at the establishment level). According to data of March 1999, the Union had 1.2 million contribution-paying members associated in nearly 13,000 "commissions". In the case of "Solidarity" there are no major discrepancies in estimates of the number of members. The Union was further divided into 16 national secretariats, which in turn were subdivided into 92 national sections. The secretariats accounted for 809,000 of the Union's members (the biggest, the Secretariat of the Mining and Power Industry, has 132,000 members). The Chairman of the National Commission is the head of the Union; the Commission has its headquarters in Gdansk. At the end of 1998, "Solidarity" constituted part of the political grouping AWS ("Election Action Solidarity"). At the same time, however, AWS started reorganizing with a view to retaining the character of "Solidarity" as a trade union and excluding it from party-like structures;

(c) The National Union of Farmers, Agricultural Circles and Organizations is a national trade union organization of farmers which, at the turn of 1997 and 1998, comprised about 25,000 agricultural circles and about 30,000 circles of farmers' wives. The membership was estimated at about 1.3 million, of whom about 820,000 were women. A chairman heads the Union; which has its headquarters in Warsaw;

(d) The Independent Self-Governing Trade Union of Individual Farmers "Solidarity" is a national trade union organization of farmers, which has the structure more uniform than that of the National Union of Farmers, Agricultural Circles and Organizations. As on 31 December 1998, the Union had 333,974 contribution-paying members associated in 11,011 circles; of this number, 66,796 were women, 54,000 persons under 30 years of age and 73,000 old-age pensioners and other pensioners. The head of the organization is the Chairman of the National Council; its headquarters are in Warsaw. Other organizational units in descending order were: the voivodeship councils, the county councils (since 1 January 1999), the commune boards and the rural circles;

(e) The Trade Union of Agriculture "Self-defence" ("Samoobrona") is a national organization of farmers with member also from outside this socio-occupational category. There are no confirmed data on the membership of the organization. A chairman is at the head and the headquarters are in Warsaw.

G. The right to strike

1. Constitutional guarantee of the right to strike

103. Article 59 of the Constitution of 2 April 1997 stipulates that trade unions should have the right to organize workers' strikes within limits prescribed by the law. These limits are defined in detail by the Act of 23 May 1991 on solving labour disputes (Journal of Laws of 1991, No. 55, text 236, with amendments).

2. Limitations on the right to strike

104. The Act of 23 May 1991 on solving labour disputes (Journal of Laws, No. 55, text 236, with amendments) recognizes the right to strike in support of demands in a labour dispute. This right is one of the workers' rights, but only trade unions can organize strikes. A strike cannot be

declared until 14 days after the employer is notified. It is a means of last resort and can be organized only after all the obligatory stages specified in the statute, that is negotiations and mediation, have been exhausted. When an agreement cannot be reached and the mediation stage concludes with the signing of the records of divergences, the sides may attempt to solve the dispute by presenting it to the social arbitration board. The arbitrators' award is binding unless one of the sides decides otherwise. If mediation has not led to an agreement and no arbitration was sought, the trade union can resort to a strike. A strike can be declared after a vote in which the majority of employees opt for it, with at least 50 per cent participating. Participation in a strike is voluntary. The management cannot be prevented from performing their functions during a strike, nor can employees who do not take part in the strike. They have to be able to protect the establishment's property and to keep the machinery running that will be necessary for resuming work after the strike. It is inadmissible to stop work, following the strike action, at working posts, machines and installations where a stoppage could threaten people's health or life or the State's security. It is inadmissible to organize strikes in the State Security Office, units of the Police and the Armed Forces of the Republic of Poland, the Prison Guard, the Border Guard, as well as in the fire protection units. Workers employed in the organs of the State authorities, central government and self-government administration, courts and the public prosecutor's office have no right to strike. A trade union of another establishment can organize a sympathy strike in defence of the rights and interests of such workers for a period of not longer than half of the working day.

3. Regulations in respect of the right to strike of special categories of workers

105. Certain categories of workers who have the right to associate in trade unions, or in one trade union, do not have the right to strike. This concerned:

- Functionaries of the Border Guard - article 72, paragraph 2, of the Act of 12 October 1990 on the Border Guard;
- Functionaries of the Prison Service - article 14, paragraph 2, of the Act of 26 April 1996 on the Prison Guard;
- The commune guards - article 30, paragraph 1, of the Act of 29 August 1997 on commune guards;
- The employees of the Supreme Chamber of Control - article 87 of the Act of 23 December 1994 on the Supreme Chamber of Control;
- Policemen - article 67, paragraph 2, of the Act of 6 April 1990 on the Police.

106. Conscripts who perform substitute service have a limited right to strike. They may take part in a strike organized by a trade union, or in a strike which includes all the employees of the establishment where they were performing their service - article 194, paragraph 5, of the Act of 21 November 1967 on the universal duty to defend the Republic of Poland.

H. Restrictions on trade union rights with respect to the armed forces, the police and State administration

107. These have been exhaustively explained. As far as the armed forces are concerned, on 10 August 1998, the Commissioner for Citizens' Rights instituted legal proceedings before the Constitutional Tribunal against article 70, paragraph 1, of the Act of 30 June 1970 on the military service of professional soldiers prohibiting them from forming and associating in trade unions. The Commissioner raised the objection that the regulation in question was at variance with article 31, paragraph 3, article 32 and article 59, paragraphs 1 and 4, of the Constitution, as well as with article 11, paragraph 2, article 14 and article 17 of the European Convention on Human Rights.

I. New legislation and executive acts regarding article 8

108. These were:

- Act on trade unions of 23 May 1991 (Journal of Laws of 1991, No. 55, text 234, amended eight times in the years 1996-1997;

- Act of 16 December 1994 on the negotiating system of determining the rise in average wages in economic entities and on the change of certain acts (Journal of Laws of 1995, No. 1, text 2); this act regulates the mode of determining the rise in wages within the framework of the Tripartite Commission for Socio-Economic Matters, which is the forum for cooperation of the chief organs of administration, trade unions and employers' organizations (created on the strength of the Resolution No. 7/94 of the Council of Ministers of 15 February 1994);

- Act of 23 December 1994 on the Supreme Chamber of Control (Journal of Laws of 1995, No. 13, text 59);

- Act of 23 December 1994 on determining means for remuneration in the State budgetary sphere and on the change of certain acts (Journal of Laws of 1995, No. 34, text 163, article 4);

- Act of 26 April 1996 on the Prison Service (Journal of Laws of 1996, No. 61, text 283);

- Act of 5 July 1996 on the civil service (Journal of Laws, No. 89, text 402);

- Act of 29 August 1997 on the commune guards;

- Ordinance of the Council of Ministers of 11 June 1996 on the mode of granting leave without pay and leave of absence to employees elected to perform functions in trade unions and employers' organizations as well as the scope of rights that are due during a leave without pay or leave of absence (Journal of Laws of 1996, No. 71, text 336); this act has an executive character in relation to the Act on trade unions of 23 May 1991.

IV. REALIZATION OF RIGHTS ENSHRINED IN ARTICLE 9

A. Ratified international instruments

109. In the reporting period, Poland was not yet a party to any of the relevant ILO conventions. The Minister of Labour and Social Policy addressed the Minister of Foreign Affairs with the request to start the ratification procedure with respect to the ILO Convention No. 102. Consultations on the subject were still in progress at the end of 1998. It was expected that the ratification procedure would be initiated with respect to the conventions Nos. 121, 128, 130 and 168.

B. Branches of social security in Poland

110. All the branches of social security mentioned in the guidelines existed in Poland in the period 1995-1998. They are described in detail below, taking into consideration the changes that took place after 1 January 1995 - that is in respect of what was contained in the previous report for the years 1992-1994.

C. Main features of the social security system, character and level of benefits, financing

1. General organization of the social security system

111. Benefits concerned all economically active persons and members of their families. The system for workers and farmers was insurance-oriented and was fully financed by the current-income financing method. The social security system for "uniformed" services, judges, public prosecutors and their families was pensionable in nature and was fully financed from the State budget. The social insurance of railwaymen continued to be traditionally administered by the Railway authorities. The social insurance of farmers was within the domain of the Farmers' Social Insurance Fund. The granting of benefits in case of unemployment was within the competence of voivodeship and local labour offices subordinate to the National Labour Office, which is a central public administration organ. The latter was supervised by the Ministry of Labour and Social Policy. Affiliated to the Ministry and labour offices were consultative employment councils made up in equal parts of representatives of employees, employers, organs of State administration and local self-government. Organs subordinate to the Ministry of Health and Social Assistance performed tasks in the area of health care benefits which were due to the insured and other entitled persons. It was legitimate to establish other than State-owned health care establishments belonging to local self-governments, cooperatives and private persons. The appropriate ministers were responsible for the benefits due to professional soldiers and their families, policemen and their families and certain State functionaries and their families.

112. In accordance with the legislation, most of the social insurance tasks continued to be performed in the years 1995-1998 by the Social Insurance Institution (ZUS). This is a government agency supervised by the Ministry of Labour and Social Policy. ZUS acts through branches throughout the country and inspectorates subordinate to these branches. Social control over ZUS activities is exercised by supervisory councils. Enterprises calculate and pay out

short-term benefit to employees, and carry out arrangements with ZUS in connection with the contributions due minus the amounts paid out in benefits. ZUS has charge not only of insurance of employees but also of other socio-occupational groups.

2. Health care benefits

113. These benefits can be granted by health care establishments or qualified natural persons. The benefits can be cost-free or for a payment. During the reporting period benefits were granted for free to:

- The insured, old-age pensioners, other pensioners and members of their families;
- Pupils and persons up to 18 years of age who are not pupils;
- Certain State functionaries and their families, as well as persons covered by a pension scheme for certain State functionaries and their families;
- War invalids and members of their families;
- The unemployed receiving unemployment benefits and those without the right to benefits or training allowances and their families;
- Persons receiving permanent social assistance allowance;
- Students and their spouses and children who are not working;
- Athletes receiving sports stipends and members of their families;
- Certain groups of persons who are entitled to such benefits (e.g. the blind).

114. In addition, certain prophylactic and curative medical services were due free of charge to the whole population:

- The treatment of certain diseases (tuberculosis, infectious diseases treated compulsorily, venereal diseases, epilepsy, mental handicap, alcoholism, addiction to intoxicating and psychotropic drugs);
- The services of the open health care units (out-patient clinics, particularly for children, young persons and women);
- The services of the closed health care units (e.g., infants and children of up to one year of age);
- Ambulance services for the victims of accidents and for the sick subject to compulsory treatment.

115. Those entitled to be admitted to hospital and other stationary health care establishments had the right to free drugs and sanitary articles; the same applied to persons treated and diagnosed in public health care units. Also free were medicines and sanitary articles used during emergency treatment by public health care units. War invalids, the military and members of their families, as well as honorary blood donors had the right to free medicines. Payment for medicines issued to the entitled on the basis of prescriptions depended on the kind of medicine. The basic medicines - life saving or necessary in therapy and health support, the most justifiable in a given group of medicines - were issued free of charge to entitled persons for a symbolic flat-rate payment. Supplementary medicines - helping or supplementing the action of basic medicines and the new generation of drugs with similar therapeutic properties and high prices - were issued to the entitled for 30 per cent of their price. Also free were selected medicines for the treatment of persons suffering from mental diseases, infectious diseases, phenyloketonuria, coeliac disease, malabsorption syndrome, epilepsy, myasthenia, mucoviscidosis, diabetes, cancers, and for the treatment of children with hypophyseal dwarfism.

3. Sickness benefits

116. These were regulated by the Act of 17 December 1974 on social assistance cash benefits in case of sickness and maternity (Journal of Laws of 1983, No. 30, text 143), with the amendments introduced by the Act of 3 February 1995 on the change of the Act on social assistance cash benefits in case of sickness and maternity and on the change of the act - Labour Code (Journal of Laws of 1995, No. 17, text 77), which came into force on 1 March 1995. It was then decided that the employee would receive remuneration for the first 35 days of illness from the resources of the establishment. Only on the thirty-sixth day did he receive sickness allowance from the Social Insurance Fund. The remuneration for the period of illness could not be lower than 80 per cent of the wages. It could be higher, if collective labour agreements or pay agreements so decided. For the period of incapacity for work of up to 35 days in a calendar year caused by an accident at work, an accident on the way to or from work or an occupational disease or an illness falling within the time of pregnancy, the employee retained the right to 100 per cent remuneration. Starting from the thirty-sixth day, he /she had the right to sickness allowance from the Fund (80 per cent of the calculation basis of the allowance). The monthly allowance amounted to 100 per cent of its calculation basis if incapacity for work:

(a) Had been caused by an accident at work, on the way to or from work, or by an occupational disease;

(b) Fell within the period of pregnancy;

(c) Had lasted continuously for over 90 days, starting from the ninety-first day of incapacity.

117. The calculation basis of the allowance was made up of elements of remuneration for which social insurance contributions had been paid. Most employees received the right to an allowance on the first day of employment and retained it for some time after the cessation of employment. Those employed on the basis of an employment contract for a trial period, for determined period of time or for the time of performing a given work, received the right to an allowance after having worked for at least one month. Employees had the right to an allowance

irrespective of the length of the period of incapacity for work, starting form the first day of illness. In the systems defining the rights of persons who were not employees, the right to the allowance was due in the case of illnesses causing longer incapacity for work (30 days minimum). The benefit period was limited, both with respect to employees and other groups.

4. Unemployment benefits

118. These were regulated by the Act of 14 December 1994 on employment and counteracting unemployment (Journal of Laws of 1998, No. 25, text 126, with subsequent amendments). The solutions contained in the Act and the amendments introduced in the years 1995-1998 aimed at:

(a) Reconstructing the system of benefits for those without work, bringing the then binding solutions closer to a target model based on the insurance system in case of unemployment;

(b) Rationalizing the rules for granting benefits for the unemployed, restricting the abuse of the entitlements to benefits, reallocating the saved resources to active forms of counteracting unemployment;

(c) Making attractive the initiatives that can be financed from the resources of the Labour Fund in favour of persons without work in order to boost their professional activities.

119. According to the legal status binding at the end of 1998, the right to an allowance was due seven days after the registration in the local labour office and was granted to a person for whom there were no appropriate job offers, intervention works, public works, or the possibility of creating an additional workplace, and who in the year preceding the day of registration, for at least 365 days:

(a) Had been employed and received remuneration equal to at least the minimum wage;

(b) Had performed work on the basis of a homebound employment contract, if she received by virtue of this contract remuneration equal to at least the minimum wage;

(c) Had performed work on the basis of a franchise agreement or contract for a commissioned work, if the calculation basis of the contribution for social assistance and the Labour Fund was equal to at least the minimum wage;

(d) Was subject to social insurance or pension programme by virtue of being engaged in non-agricultural activity or cooperation, if the calculation basis of the contribution for social assistance or pension programme and the Labour Fund was equal to at least the minimum wage (previously half of the minimum wage; at the same time, starting on 1 January 1997, employers did not pay contributions towards the Labour Fund for employees whose remuneration that constituted the calculation basis of the social assistance contribution was lower than the minimum wage);

(e) Had performed work during a period of provisional custody or while serving a penalty of imprisonment, if the calculation basis of the contribution towards social assistance and the Labour Fund was equal to at least the minimum wage;

(f) Had performed work in an agricultural production cooperative or agricultural circle cooperative (agricultural services) as a member of such a cooperative, if the calculation basis of the contribution towards social assistance and the Labour Fund was equal to at least the minimum wage;

(g) Had paid the contribution towards the Labour Fund in connection with being employed abroad with a foreign employer.

120. The level of unemployment benefit was varied and amounted to:

(a) 100 per cent of the basic benefit for persons with a qualifying period (employment, other gainful work, non-agricultural economic activity) of over 5 years but shorter than 20 years;

(b) 80 per cent of the benefit for persons with a qualifying period of up to 5 years;

(c) 120 per cent of the benefit for persons with a qualifying period of at least 20 years.

121. Since 1 April 1997, the unemployed had been able to collect the benefit for a period of:

- 6 months - those living in the area of activity of the local labour office where the rate of unemployment on 30 June of the preceding year did not exceed the average rate of unemployment in the country;
- 12 months - those living in the area where the rate of unemployment exceeded the national rate of unemployment;
- 18 months - those living in the area where the rate of unemployment exceeded twice the national average rate of unemployment and having at least a 20-year qualifying period.

122. The right to receive the benefit for 18 months also required the unemployed person to be maintaining at least one child of up to 15 years of age and a spouse who was unemployed and had lost the right to benefit because the benefit period had ended.

123. New benefits based on the Labour Fund were introduced; these were allowances and pre-retirement benefits. The right to a pre-retirement benefit was due to a person who had met the conditions prescribed in the act for achieving unemployed status and the right to a benefit, and had a period of employment conferring entitlement to an old-age pension, if such person had reached the age of 58 (women) or 63 (men) and had a period of employment conferring

entitlement to an old-age pension, i.e. 30 years for women or 35 years for men, or 25 years for women and 30 years for men, of which at least 15 years were spent performing work recognized in the employment regulations as employment under special conditions or in a special capacity.

124. The amount of the pre-retirement benefit was equal to 120 per cent of the basic unemployment benefit if a person entitled to a pre-retirement benefit:

- Lived in an area recognized as threatened with particularly high structural unemployment and had lost work for reasons related to the enterprise;

- Did not live in such an area but had become unemployed for reasons related to the enterprise as a result of a one-time dismissal or reduction of the workforce by at least 100 workers in a period of not longer than three months and if, at that time, he/she received a pre-retirement benefit amounting to 160 per cent of the basic unemployment benefit, but not more than 90 per cent of the monthly remuneration constituting the calculation basis of a contribution towards social assistance and the Labour Fund for the period of 12 calendar months preceding the assignment of pre-retirement benefit. This benefit, however, could not be lower than 120 per cent of the basic unemployment benefit.

125. The right to pre-retirement benefit was due to a person who had met the conditions for unemployed status and the entitlement to benefit if:

- He/she had reached the age of 58 (women) or 63 (men) and had a period of employment conferring entitlement to an old-age pension; or

- In the calendar year during which the employment relationship was terminated for reasons related to the establishment had reached the age of 55 (women) or 60 (men), and had the period of employment conferring entitlement to an old-age pension; or

- Had attained the period of employment conferring entitlement to an old-age pension of at least 35 years for women and 40 years for men, before the day of termination of the employment relationship.

126. Until 4 September 1998, the pre-retirement benefit was due in the amount equalling 80 per cent of the retirement pension which would be due if these persons had such a right - i.e. had reached the age of 60 (women) or 65 (men). From 5 September until the end of the reporting period, the pre-retirement benefit amounted to 90 per cent of the old-age pension specified in the decision of the pension agency. Such benefit could not be lower than the level of pre-retirement allowance (120-160 per cent of the amount of the basic unemployment benefit). At the same time, the provisions concerning allowances before achieving the retirement rights were abolished; also abolished was the provision with respect to the possibility of receiving an allowance before having obtained a job offer by an unemployed person maintaining at least one child who was entitled to a family allowance, if:

- The unemployed was a person bringing up a child (children) alone;

- His/her spouse was also unemployed and both lost the allowance because the period for which benefit was drawn had ended.

127. Also abolished was the provision which granted the right to allowance after the termination of employment within the framework of intervention works and public works. Single persons were excluded from the system of protection prescribed in the Act on employment and counteracting unemployment; at the same time, the possibility was created for receiving a guaranteed periodical allowance paid out by social assistance centres for 36 months.

128. In the years 1995-1998, new solutions were introduced with a view to boosting professional activity of the unemployed:

(a) The definition of "training" was changed; until recently, the term had applied to on-the-job training, retraining or raising qualifications; from 1 January, learning the skills needed in searching for and finding a job was also regarded as training;

(b) Training supplements were introduced in the amount equal to 20 per cent of the basic unemployment benefit due to persons referred to training, irrespective of whether they had the right to benefit; they were due to those who took up training after 1 January 1997;

(c) The agreements concluded by the local labour office with the unemployed concerning loans for taking up economic or agricultural activity could provide for the office reimbursing up to 80 per cent of the documented costs of training, consultations or counselling;

(d) The local labour office could grant, upon the unemployed person's application, an interest-free loan from the Labour Fund for financing the training (e.g. specific or particularly expensive); the loan could not be higher than four average wages and the repayment period could not exceed 1.5 years after the training was completed;

(e) The office could conclude an agreement with the employer providing for the reimbursement of the costs incurred in the payment of social insurance contributions in connection with the employment of the person referred to work by the office. The sum of the reimbursed contributions could not exceed three times the amount of the lowest remuneration that was binding on the day when the following conditions had been satisfied:

(i) The employer provided the jobless person with full employment throughout a period of 12 months; and

(ii) After 12 months, the labour contract would continue to be a permanent employment contract;

(f) Upon the application of an employer who employed at least 20 persons, the office could reimburse for the Labour Fund up to 50 per cent of the costs of their training, but not more than the amount of the average wage, if after the completion of training they were employed on other posts for at least one year.

5. Old-age pensions

129. The basic legal acts were: the Act of 14 December 1982 on the provision of old-age pensions to employees and members of their families (Journal of Laws, No. 40, text 267, with subsequent amendments) and the Act of 17 October 1991 on the revalorization of old-age pensions and other pensions, on the principles for determining old-age pensions and other pensions, as well as on the amendment of certain acts (Journal of Laws, No. 104, text 450, with subsequent amendments). The right to an old-age pension was due to a person who satisfies two conditions:

(a) Had reached the retirement age, which was generally determined as 60 years for women and 65 years for men, but a major part of the insured could avail themselves of departures from this age limit;

(b) Had proved that he/she had the required period of employment (insurance), which was in principle at least 20 years for women and 25 years for men; there were distinct possibilities of taking into account different periods of professional inactivity, that is periods for which no contributions had been paid.

130. In respect of contributions, there were two kinds of periods: contributory and non-contributory (defined in the Act, e.g. the care of an infant and higher school education). The length of non-contributory periods could not exceed one third of the contributory periods. The calculation basis, the amount of contributory and non-contributory periods and the base amount affected the level of the benefit.

131. The calculation basis of the old-age pension (the legal status as at the end of 1998) was established in relation to the insured person's income constituting the calculation basis of contributions (in 1998, nine consecutive years after 1979 were selected). In order to establish the calculation basis of the old-age pension it was necessary to:

(a) Calculate the sum total of remuneration which was the calculation basis of contributions in each of the calendar years selected by the person concerned;

(b) Calculate the ratio of each of these sums of remuneration to the amount of average yearly remuneration announced for a given calendar year, expressing it as percentage;

(c) Calculate the arithmetical average of these percentages which constituted the calculation basis index of the old-age pension or other pension; and then

(d) Multiply the base amount by this index, thus obtaining the calculation basis of the benefit.

132. The calculation basis index could not be higher than 250 per cent, that is, the amount of the calculation basis of the old-age pension or other pension could not exceed 250 per cent of the base amount. From the date of the first valorization in 1996, the base amount had

constituted 94 per cent of the average remuneration in a calendar quarter preceding the date of the latest valorization. On 1 September 1997 this amount was raised to 95 per cent of the average remuneration, and on 1 March 1998 to 97 per cent. The old-age pension amounted to:

(a) 24 per cent of the base amount plus;

(b) 1.3 per cent of its calculation basis for each year of contributory periods;

(c) 0.7 per cent of its calculation basis for each year of non-contributory periods.

133. The principles and mode of valorization were defined in the Act of 25 October 1996 on valorization of old-age pensions and other pensions and on the change of certain acts (Journal of Laws, No. 136, text 636). The Act was binding in its entirety from 1 January 1998; on 31 December 1996, the valorization provisions came into force for the year 1997. The basis for the establishment of valorized benefits was the projected average yearly rise in prices of commodities and consumer services for the households of old-age pensioners and other pensioners, or - if it was higher - the projected average yearly rise in prices of commodities and services in general. The number of valorizations in a year depended on the growth rate of prices of commodities and consumer services. If this growth rate equalled at least 10 per cent, the old-age pensions and other pensions were valorized twice a year - on 1 March and on 1 September - applying identical indices. If the growth rate was lower than 10 per cent, only one valorization was carried out - on 1 June. When the real value of benefits guaranteed by the Act was not kept up, the valorization index was raised for the nearest date of valorization in a given year. At the same time, a single payment was made which supplemented the total amount of benefits paid out for the previous year to the level achieved after they had been raised by the verification index (see below).

134. The determination of the amount of valorized old-age pension or other pension consisted in:

- Raising the calculation basis of the benefit by means of the valorization index;
- Multiplying the basis thus established by the calculation index of the benefit.

135. The benefit calculation index was the quotient of the amount of benefit and its calculation basis. It was expressed as a percentage. The raising of old-age pensions and other pensions was carried out ex officio within the framework of valorization, and if their payment had been stopped, after the resumption of the payment, taking into account all the successive valorizations in the period during which the payment was discontinued. In 1997, the old-age pensions and other pensions were subject to valorization that raised the real growth (gross) to at least 1.5 per cent in relation to 1996 (two valorizations were carried out). In order to achieve a guaranteed real growth of 2.5 per cent in 1996 in relation to 1995, the valorization index of benefits that were subject to valorization in 1996 was raised from 1 March 1997 by a verification index. In March a single payment was also made to equalize this growth.

136. In the calculation of each old-age pension there was a component, identical for all benefits, that was defined as 24 per cent of the base amount. It was a social component designed for the protection of persons with lower incomes and shorter job tenure. The persons who had reached the age of 75 or had been certified as totally incapable of working and an independent existence were eligible for a nursing supplement on top of the old-age pension; the supplement was valorized on each date of benefit valorization, with the application of the valorization index (on the strength of article 22 of the Act on revalorization). Polish legislation provided for the lowest retirement and other pension benefits. The amounts of the lowest benefits were raised, using the valorization index from the month in which valorization was carried out.

6. Benefits in case of accidents at work and occupational diseases

137. The basic legal act applicable here was the Act of 12 June 1975 on benefits in case of accidents at work and occupational diseases (Journal of Laws of 1983, No. 30, text 144, with subsequent amendments). Pensions by virtue of incapacity for work caused by an accident at work or occupational disease are calculated in the same way as pensions that are due by reason of other occurrences. The pension, however, could not be lower than:

- 80 per cent of the calculation basis - for a person totally incapable of work and independent existence, or totally incapable of work; not lower than 120 per cent of the lowest pension by virtue of such incapacity;

- 60 per cent of the calculation basis - for a person partially incapable of work; not lower than 120 per cent of the above-mentioned benefit;

- 100 per cent of the calculation basis - for a person receiving a training pension in connection with being retrained.

138. The lowest pension for incapacity for work caused by an accident at work or occupational disease for persons totally incapable of work was equal to 45.8 per cent of an average remuneration in the previous quarter, and for the partially incapable, 36 per cent. These benefits were subject to rises according to the rules presented in connection with the valorization of old-age pension and other pensions. The pensions were permanent or periodical, depending on the level of incapacity for work.

7. Family benefits

(a) Family allowance

139. The Act of 1 December 1994 on family and nursing allowances (Journal of Laws of 1995, No. 4, text 170), which came into force on 1 March 1995, changed the character of these allowances. They had previously been insurance allowances. Since 1 March 1995, family and nursing allowances have had a social character and were paid out irrespective of social assistance if - in the case of family allowances - they were justified by the family's material situation, and in the case of nursing allowances by the health situation. The subsequent act -

of 1 September 1997, in force from 1 January 1998 - additionally introduced diversification of the amount of allowances (previously PLN 29.10 uniformly). As on 31 December 1998, the family allowance was paid out in the amount of:

- PLN 32.30 a month for a spouse and first and second child;
- PLN 40.00 a month for the third child;
- PLN 50.00 a month for the fourth and subsequent children.

140. These allowances were subject to a yearly valorization and were financed from the State budget. As previously, the allowance for a child was payable until the child reached 16 years of age and, if he/she was at school, until the education was completed, but not longer than the age of 20 years (except in certain situations). It was due to a child - irrespective of the age - if he was disabled to a considerable or moderate level. It was also due to a spouse, if he/she:

- Took care of a child of special concern who was entitled to a nursing allowance;
- Had reached 60 years of age (women) or 65 years of age (men);
- Was disabled to a considerable or moderate level.

141. A spouse was deprived of an allowance for a given month if he had reached in this month a level of income equal to at least the lowest pension in the employee system. From 1 September, the employee was eligible for a family allowance if the income per person in the family did not exceed the amount equal to 50 per cent of the average remuneration announced for the purpose of determining the retirement pensions for the calendar year preceding the benefit period. The right to benefits was determined for yearly benefit periods from 1 June to 31 May of the following year, with reference to the family income achieved in the preceding calendar year.

(b) Nursing benefit

142. This benefit did not depend on the family allowance. It was due to persons satisfying the health and age criteria, irrespective of the family's income:

- A person of up to 16 years of age, if a public health care establishment had acknowledged that such person, in connection with his/her health condition, required regular nursing or systematic assistance with medical and rehabilitation procedures;
- A person above 16 years of age, if he was disabled to a moderate degree and this disability started at the age at which entitlement to a family allowance begins;
- A person who had reached the age of 75;
- A person who was disabled to a considerable level.

143. The nursing benefit due to a child of up to 16 years of age was paid out until his/her school education was completed, if a physician had acknowledged that the child still satisfied the required health criteria, but not longer than up to 24 years of age. The nursing benefit amounted to 10 per cent of the average remuneration constituting the basis of the latest valorization of old-age pensions and other pensions (from 1 June 1998 - PLN 106.41).

(c) Childcare benefit

144. Parental leave and childcare benefits were regulated by the Ordinance of the Council of Ministers of 28 May 1996 (Journal of Laws, No. 60, text 277). It was due to a person on a three-year parental leave who was taking care of a child of up to four years of age. It was paid for the period of two years, and in the case of a female worker bringing up a child alone, for three years. The childcare benefit was subject to valorization. A higher rate was due to persons bringing up a child alone. After 1 June 1998, childcare benefits amounted to PLN 248.80, and for single mothers PLN 386.10. Benefits were due if the income per person did not exceed 25 per cent of the average remuneration in the preceding year. A person taking care of a disabled child was entitled to a parental leave and childcare benefit for 72 months.

(d) Care-taking allowance

145. This was due to a parent dismissed from work because of the necessity of taking care of:

- A healthy child of up to 8 years of age, in strictly defined cases;
- A sick child of up to 14 years of age;
- A sick family member.

146. The care-taking allowance for taking care of a child was due for a period of 60 days in a year, and in the case of the care of a sick family member, for 14 days; the total number of days of care-giving could not exceed 60 days in a single year. The allowance was paid in the amount equal to 80 per cent of the remuneration constituting the calculation basis of the allowance.

8. Maternity benefits

147. These included maternity allowance and post-natal allowance. The maternity allowance was due for a period of:

- 16 weeks for the first childbirth;
- 18 weeks for the second and subsequent childbirths;
- 26 weeks in the case of a multiple childbirth.

148. The maternity allowance amounted to 100 per cent of the remuneration constituting the calculation basis of the allowance. The post-natal allowance was a single payment for giving birth to a child and amounted to 15 per cent of the average remuneration.

9. Disability pension

149. This was due to an insured person incapable of work, who had the required period of employment (depending on the employee's age, from 1 to 5 years). The calculation basis was determined in the same way as in the case of the old-age pension. The amount of the pension was fixed in a similar way as the old-age pension, with the exception, however, that the length of a hypothetical period could be taken into account, that is the period missing from the full 25 years of contributory and non-contributory service (but not longer than the period that separates the date of applying for the pension and reaching 60 years of age). The disability pension for persons totally incapable of work was equal to:

- 24 per cent of the base amount; and
- 1.3 per cent of its calculation basis for each year of contributory service; and
- 0.7 per cent of its calculation basis for each year of non-contributory service; and also
- 0.7 per cent of its calculation basis for each year of the so-called hypothetical period (as referred to above).

150. The pension for the partially incapable of work was 75 per cent of the benefits mentioned above. Persons totally incapable of work and independent existence are eligible for a nursing allowance.

10. Survivor's pension

151. This was due to the entitled family members after the death of the insured if they satisfied the following conditions:

- The child was under 16 years of age, under 25 if at school;
- The widow was over 50 years of age or was bringing up a child of under 16 years of age;
- The widower was above 65 years of age.

152. The amount of the pension was 85 per cent of the level of benefit that would be due to the deceased, that is the old-age pension or disability pension (for one person; for two persons it was 90 per cent and for three or more persons 95 per cent). The lowest survivor's pensions were guaranteed. Survivor's pensions were valorized in the same way as old-age pensions and other pensions.

11. Financing of the benefits discussed above

153. Most of the benefits (sickness benefits from the thirty-sixth day, benefits in case of accidents at work and occupational diseases, part of the survivor's benefits, maternity benefits, disability pensions and survivor's pensions) were financed from the resources of a separate targeted Social Insurance Fund. The Fund's revenues were made up of social insurance contributions and budget subsidies. The insurance contribution for the employees was paid by the employer; it constituted 45 per cent of the wages and salaries fund. In sheltered work establishments the contribution amounted to 5 per cent of the calculation basis. The contribution for the considerably and moderately disabled in small non-sheltered establishments of up to 50 workers amounts to 22.5 per cent of the calculation basis. An additional contribution from 1 per cent to 7 per cent could be required, if working conditions deteriorated. Other levels of contributions, depending on the kind of work, occupation, etc., were described in the previous report. Medical services were financed from public resources. Unemployment benefits (including pre-retirement allowances and benefits) were financed from the Labour Fund, which was a State targeted fund. The basic revenues of this Fund were made up of budget subsidies and contributions collected together with the contribution for the Social Insurance Fund and amounting to 3 per cent. The Labour Fund contribution was fixed with reference to the amounts constituting the calculation basis of the social insurance contributions and of the old-age pensions, if they were at least 50 per cent of the lowest remuneration. The employer paid the contribution. Part of the family benefits were financed by the State budget.

12. Social assistance

154. Social assistance organs intervened when a person or a family could not overcome their difficult situation on their own, irrespective of whether it was caused by the injured party or was the result of some random event. Even though the legal status in force in the years 1995-1998 did not admit of the notions of "minimal means of subsistence" or "guaranteed benefits", when the issue of determining the entitlement to benefits was raised, some elements appeared which indicated that certain minimal values or guaranteed amounts had been assumed. The Act on social assistance of 29 November 1990, amended on 28 June 1996 (a uniform text, Journal of Laws, No. 64, text 414, with subsequent amendments) introduced changes in the provisions on the income criteria that conferred entitlement to benefits. Cumulative income scales were introduced to determine the levels of benefits of individuals and families. The OECD equivalence scale was adopted (proposed for the statistical measurement of poverty at the level of the European Union), which made it possible to diversify the income criteria depending on the number of household members and the ages of the children. The lack of such scales had led to inequality of access to benefits between one-person households and multi-person households. The benefits were due in particular by reason of: poverty, orphanhood, homelessness, long-lasting illness, the need to protect maternity, helplessness in matters relating to care-taking and running a household, alcoholism and drug addiction, difficulties in adaptation on leaving prison, or natural or ecological disaster. The right to cash benefits was due to persons and families whose income met the income criteria prescribed by the Act, in the presence of at least one of the circumstances mentioned above.

155. The adopted income thresholds - as a result of the amendment of the Act on social assistance - were determined on the basis of an analysis of the cost of living and in relation to the average remuneration. The levels of cumulative income defined in the Act were subject to valorization according to the average yearly consumer price index. Depending on the level of this index, valorization was carried out once or twice a year.

156. Cash benefits provided within the framework of social assistance in the years 1995-1998 were as follows: social pension, permanent allowance, permanent compensatory allowance, periodical allowance, guaranteed periodical allowance, special periodical allowance, cash benefit for pregnant women, targeted benefit and supplements to social pension, permanent allowance and compensatory allowance. Combined with the benefits was also the payment of a contribution for the insured person towards old-age insurance. Part of the benefits was compensatory in nature and depended on the income of the person or family; part (social pension, permanent allowance, guaranteed periodical allowance) was statutorily guaranteed, was obligatory and was guaranteed by the State after the required conditions had been met.

157. The social pension was a benefit introduced with the amendment of the Act on social assistance in June 1996; it was due irrespective of the income of a person totally incapable of work by virtue of a disability which started before the age of 18, or whose disability started during education in post-primary or higher school before the age of 25, or during doctoral or post-doctoral studies (article 27a of the Act on social assistance).

158. The permanent allowance was due to a person not in employment, taking care of a child in need of regular care consisting in direct, personal assistance and nursing, or systematic assistance with educational, medical or rehabilitation procedures, if the child was eligible for a nursing allowance and the family's income did not exceed twice the income criterion. A contribution towards the retirement insurance or other pension insurance was paid for the person entitled to this benefit, unless such person was subject to compulsory insurance on other grounds.

159. The permanent compensatory allowance (art. 27, paras. 4, 6, 7) was granted to single persons or in a family who were totally incapable of work by reason of age or disability. Its level was dependent on the size of income and was a supplement to the amount determined by the income criterion for a given person or family.

160. The periodical allowance (art. 31, paras. 1-4) was assigned to persons or families when their income did not exceed the income criterion and their own means were not adequate for satisfying their essential needs, particularly by reason of: long-lasting illness, disability, no opportunity for employment, lack of entitlement to a survivor's pension following the death of a person charged with the alimony obligation and no possibility of retaining the right to benefits from other social insurance systems. The periodical allowance was fixed at the level constituting the difference between the income criterion of a person running a household alone or the income criterion for a given type of family and that person's or family's income.

161. The guaranteed periodical allowance was due to persons who had lost the right to unemployment benefit because the benefit period had ended and on the day it had elapsed and during the period of its collection they brought up alone at least one child of up to 15 years of age. It was paid for three years at most. It amounted to a sum equal to the income criterion of a person running a household alone for the period of one full year, and 80 per cent of this sum for the next two years (art. 31, paras. 4a-4d). A contribution towards the retirement insurance or other pension insurance was paid for the person entitled to this benefit, unless such person was subject to compulsory insurance on other grounds.

162. The special or targeted periodical allowance was a non-returnable benefit granted in particularly justified cases to a person or family exceeding the respective income criterion prescribed in the Act.

163. The cash benefit for pregnant women was due to pregnant women and those bringing up a child if his/her own income (in the case of persons running a household alone) or the income per person in the family did not exceed the monthly amount of the income criterion of a person running a household alone. The cash benefit was due starting from the eighth month of pregnancy to the second month of the child's life, and in the case of a stillborn child or his death, for one month. The amount of the benefit depended on the income earned; it was equal to the difference between the income earned and the sum of PLN 351. The benefit could not exceed the sum of PLN 318 a month. Apart from the benefit discussed above, for each child born a one-time allowance was provided amounting to PLN 153. In addition, a benefit in kind, the so-called layette, was granted (if the woman had not received an allowance, on the strength of separate provisions, by virtue of giving birth to a child), as well as the reimbursement of 100 per cent of the costs incurred in connection with pregnancy, delivery and puerperium towards:

- Treatment in public health-care establishments;
- The purchase of medicines prescribed by a physician specializing in obstetrics and gynaecology.

164. In justified cases, a woman in a critical life situation (e.g. a woman, pregnant or bringing up a child, who could not for various reasons stay in her place of residence or had nowhere to live) could apply for admission to a social assistance home for pregnant women and mothers with young children.

165. The targeted allowance (article 32, paragraphs 1-5, of the Act on social assistance) was provided in order to satisfy a particular need (treatment, redecoration, a child's stay in a crèche or nursery school, a funeral). The commune could also provide assistance in order for a person or family to become economically independent. The assistance could be granted in kind or in cash (art. 24). These were forms of financial assistance coming from the commune's own resources. The targeted allowance was also granted to those who had suffered losses as a result of natural or ecological disasters. In that case, it was a benefit financed from the central government budget. It could be granted irrespective of the income earned and not be subject to refunding.

Table 19. Social assistance benefits for women and persons bringing up children in the years 1996-1998

	Number of persons to whom benefits have been granted	Amount of benefits (PLN)
Protection of maternity (tasks delegated to communes), including:		
Allowances for pregnant women and persons bringing up children	1996 - 160 033 1997 - 141 486 1998 - 130 557	1996 - 60 331 427 1997 - 60 188 883 1998 - 64 033 839
One-time cash benefit for a child	1996 - 130 012 1997 - 115 071 1998 - 106 354	1996 - 13 807 103 1997 - 15 083 925 1998 - 15 703 942
Total	1996 - 160 710 1997 - 141 635 1998 - 130 954	1996 - 4 138 530 1997 - 75 272 535 1998 - 79 709 236
Guaranteed periodical benefits (tasks delegated to communes)	1996 - 26 000 1997 - 51 314 1998 - 58 740	1996 - 10 616 000 1997 - 86 788 259 1998 - 187 947 246
Permanent benefits (tasks delegated to communes), including:		
For persons not taking up work or giving it up to bring up a child in need of care	1996 - 11 178 1997 - 14 236 1998 - 20 314	1996 - 9 193 206 1997 - 34 570 246 1998 - 59 290 333
For persons bringing up a child who reached 18 years of age and is incapable of independent existence	1996 - 434 1997 - 530 1998 - 690	1996 - 366 373 1997 - 1 287 302 1998 - 2 088 834
Benefits in kind (layette) (communes' own tasks)	1996 - 22 821 1997 - 22 463 1998 - 24 164	1996 - 2 274 297 1997 - 2 563 134 1998 - 3 075 304

Source: Data of the Social Assistance Department of the Ministry of Labour and Social Policy.

166. Single persons or persons staying with a family who were in need of care because of age, health or for other reasons could receive aid from a social assistance centre in the form of nursing services or specialist nursing services. The basic nursing services included assistance in satisfying fundamental needs (e.g. shopping, preparation of meals), hygienic care, nursing recommended by a physician and, where possible, ensuring contact with the environment. Specialist nursing services were adapted to the particular needs of a patient or a disabled person and provided by persons with specialist training. These services were delivered in the place of residence, but also in support centres - day social assistance homes, community self-help homes, nursing centres - which ensure, among other things, food during the stay, occupational therapy, rehabilitation and cultural or recreational activities.

167. If the provision of these services in the place of residence was impossible, or if it was justified by the situation (material, family or housing), the person concerned could apply for admission to a social assistance home, that is an establishment for permanent residence, ensuring all-day care. These establishments, depending on the category of persons for which they are designed were divided into homes for:

- The old;
- Persons chronically, somatically ill;
- Persons mentally disabled;
- Persons chronically, mentally ill;
- Persons physically disabled;
- Single pregnant women and single mothers with small children.

168. The social assistance homes ensured all-day care and satisfied the basic educational, social and religious needs of a required standard. The fees for the stay depended on a person's income or the income per person in a family.

169. The social assistance centres also offered aid to persons and families in a difficult situation in the form of social work and specialist counselling, particularly legal, psychological and pedagogical. A social worker could also assist persons with help with some official matters or those relating to living conditions, as well as with keeping in touch with the environment. The assistance in the form of social work and counselling was offered irrespective of the income criteria.

170. Apart from social work and discharging obligations deriving from the social assistance act and executive acts with respect to persons and families in a difficult situation, different assistance programmes were taken up in favour of the most vulnerable social groups. Supplementary feeding for children from the poorest families had been carried out for several years, and vacation programmes for children from big towns and areas with a high degree of environmental pollution had been implemented. Other forms included: vacation rehabilitation courses for adults and disabled children, campaigns for counteracting domestic violence, actions in favour of the elderly (organizing seniors' circles and old-age pensioners' circles) and many other undertakings resulting from current needs. Local initiatives were often taken up by the persons concerned themselves for the sake of integration, establishment of personal contacts, exchange of information and mutual assistance. Following the self-help initiatives taken up in favour of persons alcohol- and drug-addicted, help-line telephones had been installed with specialists on duty, helping with advice and support.

171. During the last few years, a system of education has been expanded for the social assistance personnel and the training of persons already employed in social assistance centres. In 1995, following a decision of the Minister of Labour and Social Policy, programme

documentation was established for the profession of social worker, establishing the statutory programme minimum of obligatory subjects for schools training social workers. In 1997, specialist degrees in the area of social work were introduced by way of ministerial ordinances, which professionally active social workers could seek. Specialization in the area of organizing social assistance was designed for persons having charge of or preparing to take charge of social assistance organizational units.

172. Public institutions for social assistance were supported by the activities of volunteers associated in many social, self-help organizations, societies, foundations and denominational groups. The organs of public administration and local self-government could commission, by way of a contract, social organizations, Churches and denominational groups, foundations, associations, employers, as well as natural and legal persons, to undertake social assistance tasks (article 12 of the Act on social assistance).

173. The Act on social assistance was binding on the territory of the whole country; foreign nationals, with a permanent residence card or refugee status or residing in the territory of the Republic of Poland, were also entitled to social protection.

Social assistance and the disabled

174. The disabled and persons/families taking care of them could apply in the years 1995-1998 for:

- A permanent allowance for a person not in employment, taking care of a child in need of regular care consisting in direct, personal assistance and nursing, or systematic assistance with educational, medical or rehabilitation procedures, if the child was eligible for a nursing allowance and the family's income did not exceed twice the income criterion. A contribution towards the retirement insurance or other pension insurance was paid for the person entitled to this benefit, unless such person was subject to compulsory insurance on other grounds;

- Permanent compensatory allowances for single persons or persons staying with a family who were incapable of work, inter alia by reason of disability;

- Periodical allowances provided by reason of disability or temporarily low income;

- A social pension for persons totally incapable of work by reason of disability;

175. This kind of benefit was introduced by the amendment of the Act on 28 June 1996 (Journal of Laws, No. 100, text 459). The benefits covered some of the persons who had been receiving from social assistance until that time a permanent allowance and a school pension. The number and the amounts of benefits paid out in the years 1996 and 1997 are as follows:

- 1996 - the number of benefits: 303,824; the total amount paid: PLN 74,594,701;

- 1997 - the number of benefits: 1,311,427; the total amount paid: PLN 359,237,902.

176. The disabled could benefit from different forms of social work, e.g. persons with limited locomotive and communication abilities were given opportunities to actively engage in social life and to integrate with the community. This could take the form of assistance in securing the possibility of taking advantage of means of communication and information transfer or in adapting apartments to the limitations entailed in disability, etc.

13. Benefits for the disabled outside the system of insurance and social assistance

177. The Act of 27 August 1997 on the vocational and social rehabilitation and employment of disabled persons modified and enriched the old regulations. The disabled registered with the Labour Office as unemployed or searching for jobs took advantage of job placement services, counselling, training and retraining financed by the State Fund for the Rehabilitation of Disabled Persons. They could also receive loans from the resources of the Fund in order to start economic or agricultural activity. A disabled person engaged in economic activity or running his own household or under the terms of a lease could have up to 50 per cent of the interest on a loan financed from the resources of the Fund. Persons whose health condition made it impossible for them to take up work could participate in occupational therapy workshops aiming at social rehabilitation and preparation for work. The participant is offered some pocket money amounting to 20 per cent of the lowest remuneration. The pocket money was used for "economic training", in accordance with his/her needs. The costs of creating workshops and their activities were covered (in total or in part) from the Fund's resources, which were also designed for supporting the activities of non-governmental organizations in favour of the disabled. Since 1998, disabled students taking day classes had been able to obtain special scholarships from the State budget, irrespective of other stipends and benefits.

14. Social insurance of farmers

178. Individual farmers were covered by a separate social insurance system, which is regulated by the Act of 20 December 1990 (Journal of Laws, No. 7, text 25, with subsequent amendments). It was operated by the Agricultural Social Insurance Fund (KRUS), which was a central administration organ subordinated to the Ministry of Agriculture and the Food Industry. The Farmers' Social Insurance Council (RUSR) represented all the insured farmers and benefit recipients in matters relating to insurance and the activities of KRUS. The Council was nominated by the Minister of Agriculture from among candidates put forward by socio-occupational organizations of farmers and trade unions of individual farmers. A farmer, in the meaning defined in the Act, was a natural person engaged in agricultural activity on his own account as the (independent or dependent) owner of a farm within the territory of the Republic of Poland. The insurance provisions also applied to his/her spouse. The social insurance of farmers supplemented other social insurance systems. This means that the agricultural system concerned only those farmers for whom the farm was the only source of income. The insurance was obligatory or voluntary. The obligatory insurance covered the farmer and his relatives working regularly on the farm if it comprised arable land of above 1 hectare (was subject to a rural tax), or if it was a special category of agricultural production subject to income tax. The contributions were uniform, quarterly, and paid by the farmer for himself and his relatives. The social insurance of farmers was divided into two separate kinds of insurance, which differed in their objective, scope, and the mode of financing. These were insurance against accidents, in case of sickness and maternity, and old-age insurance.

(a) Farmers' insurance against accidents, in case of sickness or maternity

179. This was a self-financing insurance within the framework of the so-called Contribution Fund. It had the legal personality. The President of KRUS was by virtue of his office the Fund's administrator under the supervision of the Farmers' Social Insurance Council, which had exclusive rights to establish the contribution. At the end of 1998, it amounted to PLN 54 per person in a quarter. The insurance covered:

- Compensation for damage to health sustained as a result of an accident at agricultural work or occupational disease;
- Compensation for death resulting from an accident at agricultural work or occupational disease;
- Sickness benefit for the temporary incapacity for work resulting from an illness continuing for at least 30 days;
- One-time allowance and maternity allowance by virtue of giving birth to a child.

180. The amount of compensation and sickness benefit was determined by the Minister of Agriculture and the Food Industry by way of an ordinance on the application of the Farmers' Social Insurance Council. At the end of 1998, compensation for 1 per cent damage to health amounted to PLN 250 and sickness benefit to PLN 4 for each day. The amount of maternity allowance was equal to the sickness benefit for eight weeks. A maternity allowance was paid for every child born together with a one-time allowance at the birth, equalling the sum of three lowest retirement pensions (at the end of 1998 - PLN 1,245).

(b) Old-age insurance for farmers

181. The old-age pensions and other pensions for farmers and the funeral allowance were paid from the Farmers' Retirement Fund, which was subsidized by the State budget (in 1998, in about 94 per cent). The contribution amounted to 30 per cent of the lowest retirement pension in a quarter.

182. The old-age pension was due to a farmer who had reached the retirement age (60 years for women; 65 years for men), and had been covered by insurance for at least 100 quarters. An earlier old-age pension was due to a farmer who had reached the age five years below the retirement age, had been covered by insurance for at least 120 quarters and had discontinued his agricultural activity.

183. A pension against incapacity for work was due to a farmer who had been permanently or for a long time incapable of work on the farm and had the required insurance period (depending on the age of the insured, from 4 to 20 quarters). Any period of insurance was sufficient if incapacity for work on the farm resulted from an accident at work in agriculture or an occupational disease.

184. A survivor's pension and funeral allowance were granted to family members of the deceased (wife, children, parents) on the principles operating in the employee system.

185. The agricultural pension and disability pension were made up of a contributory part and a supplementary part. The contributory part was always paid out. The payment of the supplementary part was conditional on stopping the agricultural activity. The amount of the contributory part depended on the insurance period and basically amounted to 1 per cent of the lowest old-age pension for each year. Periods of other insurance were included in the contributory part at a rate of 1.5 times. The supplementary part amounted to 85-95 per cent of the lowest old-age pension. The survivor's pension was equal to 85 per cent of the lowest old-age pension, plus 50 per cent of the supplementary part, which would be due to the deceased. The retirement benefit - on condition that a farmer had stopped his agricultural activity - could not be lower than the lowest old-age pension. The latter condition did not apply to minors who were entitled to the survivor's pension. Since 1 September, the lowest old-age pension amounts to PLN 415 and the average monthly agricultural retirement benefits in the fourth quarter of 1998 was PLN 533.92.

(c) Rehabilitation benefits for farmers within the framework of the insurance system

186. The rehabilitation benefit was a benefit in kind provided for the purpose of preserving, improving or recovering the capacity for work on a farm. It involved referring the insured to the farmers' rehabilitation centres of the Agricultural Social Insurance Fund. It was provided:

- For prophylactic reasons, when a farmer was threatened with the loss of capacity for work on a farm;

- For curative purposes, when treatment and rehabilitation held promise for the recovery of capacity for work.

187. The rehabilitation benefits were financed from the Prevention and Rehabilitation Fund, which is made up of deductions from the Contribution Fund (1 per cent) and a budget subsidy. The same Fund provided means for financing the activities of the Agricultural Social Insurance Fund aiming at the prevention of accidents at work in agriculture and farmers' occupational diseases.

(d) Health-care services for farmers

188. Farmers and retired farmers covered by social insurance and members of their families were eligible for medical services, obstetric services, the provision of medicines, orthopaedic appliances, artificial limbs and sanitary and auxiliary articles, stay in a social assistance home and rehabilitation benefits under the conditions contained in the provisions for employees and their family members, as well as for persons receiving employee retirement benefits and members of their families.

D. Percentage of GDP and of the State budget spent on social insurance in 1998 and in the previous years

189. Table 20 (below) presents expenditures on social security in the years 1995-1998 expressed as a percentage of the gross domestic product. The percentage of the State budget spent every year for the same purpose has also been given. The previous report for the years 1992-1994 contained data on GDP in 1985 and 1993, referring to different branches of social security. No data were given on the State budget, but the comparison is very telling: in 1985 such expenditure accounted for 14 per cent of GDP, and in 1993 as much as 24 per cent of GDP. The reason for this was mainly the rise in the number of benefits paid and the raising of their level caused by revalorization in 1991 and the introduction of the mechanism of indexation. Particularly affected were retirement pensions and other pensions (an increase from 7 per cent of GDP in 1985 to 15 per cent of GDP in 1993). The previous report discusses the issue in greater detail. In the latter half of the 1990s, social security expenditures stabilized at a level considerably above 15 per cent of GDP. This was an apparent fall with respect to 1993, exclusively in terms of percentages, resulting from a substantial increase in GDP in the years 1993-1997.

Table 20. Expenditures on social security in the years 1995-1997 expressed as a percentage of GDP and of the State budget

Year	1995	1996	1997
Percentage of GDP	15.6	15.4	15.5
Percentage of the State budget	26.1	26.0	25.6

Source: Data of the Main Statistical Office.

E. Private insurance systems and relationships between the systems

190. Until the end of 1998, the social insurance system had not been privatized. Since 1990, however, private firms have been in operation, offering life insurance, old-age insurance, accident insurance, sickness insurance, insurance against theft, fire, etc. These were generally foreign firms or with mixed capital, rarely domestic firms, because of the high capital threshold. The Act of 13 October 1998 on the social insurance system prepared a fundamental reform of that system, which was to come into force on 1 January 1999.

F. Groups that do not benefit from the right to social insurance at all, or only partly

191. Apart from a separate system for the provision for "uniform" services, judges and public prosecutors receiving increased benefits, and the system comprising groups receiving preferential treatment in respect of the level of benefits or having their own social security scheme (e.g. railwaymen), the rest of the insured had equal access to social security. Only

particular unemployed persons not registered in labour offices did not have the right to social security. This did not apply to them if they were spouses or children of insured persons. Also, a person who had lost the right to a benefit was not covered by insurance. Even such persons, however, could benefit from social assistance, including health care, if they were persons who were poor, homeless, disabled, suffering from a long-lasting illness, unemployed for a long time, undergoing rehabilitation after having served a prison sentence, recovering from alcohol or drug addiction, etc. In addition, a family allowance was due to all persons irrespective of their insurance status. Consequently, there was no single social group entirely excluded from social security.

G. New legislation and executive acts regarding article 9

192. These were:

- Article 67 of the Constitution of 2 April 1997 (the right to universal social security);

- The amended Act of 20 December 1990 on the insurance of farmers (Journal of Laws of 1998, No. 7, text 25);

- The Act of 1 December 1994 on family and nursing allowances (Journal of Laws of 1995, No. 4, text 17);

- The Act of 14 December 1994 on employment and counteracting unemployment (Journal of Laws of 1997, No. 25, text 128);

- The Act of 3 February 1995 on the change of the Act on social insurance cash benefits in case of sickness and maternity and the change of the Act - the Labour Code (Journal of Laws of 1995, No. 16, text 77);

- The Act of 28 June 1996 on the change of the Act on social assistance (Journal of Laws, No. 100, text 459);

- The Act of 28 June 1996 on the change of certain acts on the provision of retirement pension and social insurance (Journal of Laws, No. 100, text 461; the changes of the definition of invalidity and the mode of certifying invalidity);

- The Act of 25 October 1996 on the valorization of old-age pensions and other pensions (Journal of Laws, No. 136, text 636);

- The Act of 6 December 1996 on the change of the Act on employment and counteracting unemployment (Journal of Laws, No. 147, text 687);

- The Act of 6 February 1997 on universal health-care insurance;

- The Act of 20 June 1997 on the change of the Act on health-care groups and on the change of certain other acts (amendments to the Act of 31 August 1991, the introduction of the "Medical Services Register" for the control of cash flow and registration of services, which is indispensable for health-care reform);

- The Act of 27 August 1997 on the vocational and social rehabilitation and on the employment of the disabled;

- The Act of 13 October 1998 on the social insurance system (Journal of Laws, No. 137, text 887, with amendments);

- The Ordinance of the Council of Ministers of 28 May 1996 on childcare benefits and parental leaves (Journal of Laws, No. 60, text 277).

V. REALIZATION OF RIGHTS ENSHRINED IN ARTICLE 10

A. Ratified international instruments

193. As of the end of 1998, Poland was a party to:

- International Covenant on Civil and Political Rights;

- Convention on the Rights of the Child;

- Convention on the Elimination of All Forms of Discrimination against Women;

- ILO Maternity Protection Convention (Revised) 1952 (No. 103);

- ILO Minimum Age Convention, 1973 (No. 138).

B. The meaning given to the term "family"

194. The general background (including the historical background) presented in the previous report continues to be valid. It is recognized in Poland that "the family is the basic social unit and that it has the right to protection from the society and the State", in accordance with article 16 of the Universal Declaration of Human Rights, and that "it has the right to adequate social, legal and economic protection" (part 1, item 16 of the European Social Charter). Poland has also signed the Maternity Protection Convention. Marriage, the family, motherhood and parenthood are placed under the protection and care of the Republic of Poland (article 18 of the Constitution of 2 April 1997). According to articles 71 and 72 of the Constitution, the state is obliged to ensure legal protection to families and children as well as the care of women before and after giving birth. The family as such, however, is not, according to the Family and Guardianship Code, a subject of law. It is the family's components that are under the protection of law. The Polish judiciary in the years 1995-1998 was in the first place guided by the child's welfare in accordance with the spirit of the Convention on the Rights of the Child to which the Republic of Poland is a party.

C. The age at which children in Poland attain majority for different purposes

195. In the reporting period, a person was of age in the legal sense on reaching the age of 18. Such person also had active and passive civil rights, with the exception of a passive right to be elected to the Sejm at 21 years of age and to the Senate, the higher chamber of Parliament, at 30 years of age. There were exceptions to this general rule:

(a) Minors (13-17 years of age) did not bear responsibility for a crime according to rules applicable to adults. The rules defined in the Penal Code did not apply to a person who had committed a prohibited act before reaching the age of 17. Proceedings in juvenile cases were subject to regulations of the Act on proceedings in juvenile cases of 1982. The Polish law was consistent here with the standards of international law. The Act did not use repression towards minors; it provided for the application of educational, protective and medical measures, and also a reformatory. Non-isolation measures had priority. The passing of a sentence was possible only in cases defined in the Act and the Code. The provisions imposed an obligation to consider whether the use of educational or corrective measures was adequate, for the sake of a minor's welfare. One had also to ascertain what were the minor's educational, health and living conditions. If at the moment of passing a sentence, a minor had reached the age of 18, and he/she had committed an act qualifying him/her for a reformatory, the court could pass sentence on the minor as if he/she were an adult, but with extraordinary mitigation of punishment. If a minor had committed a crime after reaching the age of 16 (homicide, rape, robbery, an intended grave bodily injury), he/she could also be subject to punishment on the principles defined in the Penal Code, with the possibility of non-obligatory mitigation;

(b) The Act of 18 July 1998 introduced changes to the Family and Guardianship Code (Journal of Laws, No. 117, text 757) in the provisions regulating the contracting of marriages. The amendment which came into force on 15 November 1998 adjusted Polish legislation to the principles adopted in the new Constitution of 1997 and to the norms of the Concordat between the Republic of Poland and the Vatican. It introduced the requirement of reaching the age of 18 as a condition for contracting marriage. The possibility of contracting marriage earlier with the court's consent was retained; the task of the court would be to evaluate whether marriage accorded with the welfare of the family and not, as hitherto, with the interests of society (as was the case during the period of the Polish People's Republic). Such possibility was designed for persons who had reached the age of 16, and whose intended spouse had reached 18, so that at least one of the spouses was an adult in the light of general principles of civil law;

(c) A separate problem was the age at which a juvenile could be employed (see sect. F.1 below).

D. Law on marriage and the family

1. Guarantees of the right to freely contract marriage

196. The socio-economic changes in the post-war period brought about changes in Polish customs and culture. The effect of economic and social factors on the contracting of marriages, though still significant, was no longer essential. During the reporting period, the full

implementation of paragraph 1 of article 10 was ensured through new article 15 of the Family and Guardianship Code, which also provided for the possibility of annulment of a marriage contracted:

- By a person who was incompetent (at the moment of issuing a declaration to enter into the state of matrimony) to consciously express his/her will;
- Under the influence of an error as to the identity of the other person;
- Under the influence of unlawful threat by the other person or a third person, if it followed from the circumstances that the side issuing the declaration could be afraid that he/she or another person was threatened with a serious danger.

197. According to the amended Code, the annulment of marriage for the reasons presented above could be requested by a spouse who had submitted a defective declaration, but not later than six months "after the cessation of a condition excluding competent expression of will or detecting a fault or cessation of concern caused by a threat". In any case, this had to take place before three years had passed since marriage was contracted.

2. Measures facilitating the establishment and maintenance of a family

198. The legal protection of motherhood and family was guaranteed in the reporting period by the Constitution and a number of legislative and executive acts. According to article 71, paragraph 1, "families finding themselves in difficult material and social circumstances ... with many children or a single parent have the right to special assistance from public authorities". For many of them, benefits were the only source of income. In May 1995, 28 per cent of families received different kinds of benefits, in May 1996, 30 per cent of families took advantage of benefits and in November 1996, only 18 per cent of families. The fall in the number of recipients of family allowances was connected with the introduction in May 1995 of the income criterion. Unemployment benefits in 1996 accounted for 13 per cent of all benefits, nursing allowances, about 4 per cent in May 1996 and nearly 7 per cent of benefits in November 1996. About 180,000 persons a month received childcare benefits in 1997. Family allowances are described in detail under article 9.

199. Benefits paid from the Labour Fund mainly concerned unemployed persons from families with children. They accounted for 64 per cent of the total number of households with unemployed persons in 1996 (83 per cent in 1995). Unemployed persons from incomplete families accounted for 15 per cent of beneficiaries in November 1996 (12 per cent in May 1995). Most of the benefits concerned persons from families with children, although their share was decreasing (94 per cent in May 1995, 91 per cent in May 1996, 85 per cent in November 1996).

200. Children and other persons having difficulties in securing alimonies could apply for benefits from the Alimony Fund. In the 1990s, it was observed that:

- The number of persons receiving benefits from the Fund was increasing;

- The average amount of benefits from the Fund was on the increase;

- The level of collectability from persons obliged to pay alimony remained low.

201. In 1997, 374,000 persons received monthly benefits, over 100,000 more than in 1993.

202. Families in difficult circumstances are supported by social assistance (see art. 9). According to research carried out in the middle of 1997 by the Main Statistical Office, financial assistance reached nearly 14 per cent of households, assistance in kind about 11 per cent, and assistance in the form of services about 7 per cent. Not all families in need received such assistance. At the same time, according to the research, assistance, particularly assistance in kind, was often granted to families that did not need it. Single persons made up a relatively small group of social assistance beneficiaries.

203. Implementing the regulations of the Act of 7 January 1997 on family planning, the protection of the human foetus and conditions for the admissibility of abortion, a benefit was introduced for pregnant women and women bringing up a child. Article 3, paragraphs 1 and 2 of the Act refer to cooperation between the administration, local self-government, and Churches, denominational groups and social organizations in the area of the care of pregnant women, establishing foster families and the adoption of children. In 1997, about 141,000 persons received appropriate benefits. The decrease in comparison with 1994 (315,000) should be attributed to the introduction in 1994 of changes in the rules for granting benefits with a view to eliminating inadequately justified cases.

204. Families with a disabled person are often in a difficult situation. In 1997, there were 3,908,000 households with a disabled person. These were mostly one-family households (74.8 per cent). Of this group, 49.6 per cent were married couples with children. Out of 1,451,000 such married couples, over 44 per cent had one child, and about 55 per cent had two or more. Of the total number of households with disabled persons, 76.2 per cent were households without an economically active person (at least one person worked in about 30 per cent of the families, and nearly 4 per cent were families with at least one unemployed person). For most families with a disabled person and with children, the invalidity pension was the main source of income. In 1996, the number of families with disabled persons covered by community social assistance reached 278,858, which was 13.6 per cent higher than in 1993. The Act of 27 August 1997 on vocational and social rehabilitation and on the employment of disabled persons enabled the allocation of 5-10 per cent of annual revenues of the State Fund for the Rehabilitation of Disabled Persons to additional financing of medical, social and occupational rehabilitation of children and disabled young persons (equipment, the training of parents, guardians and volunteers, transport, educational centres, etc.). The sensitive and important issue of assistance for families affected by domestic violence is presented in the answer to additional question 31 of 1998.

3. Measures taken with regard to shortcomings or lacunas in the law on marriage and the family

205. There were no shortcomings or lacunas in the law on marriage. Wide-ranging assistance had been taken into consideration with regard to the family. Such assistance did not always reach every family on time because of the scarcity of public funds. The possibility of increasing resources for family benefits was constantly sought in national, voivodeship and communal budgets. Another fact was that assistance occasionally reached places with more resources rather than families really in need. A system of identifying the material and life situations of potential beneficiaries was being developed in order to secure a proper distribution of resources.

E. Maternity protection, length of maternity leave and mandatory leave after delivery, financial, medical and other benefits

206. Pregnant women and children enjoyed in the years 1995-1998 free medical assistance (medical prevention, treatment, rehabilitation for children). The generally recognized indicators of the quality of the care of mother and child are maternal and infant mortality rates, and mortality rate of infants with low weight at birth. The maternal mortality rate per 100,000 live births does not basically differ from that in Western Europe. It amounted to 12.0 in 1993, and 7.9 in 1996. In 1993, 44 women died following complications during pregnancy, delivery or confinement; in 1994 the figure was 48, in 1995, 57 and in 1996, 36. According to the Ministry of Health and Social Assistance, 65 per cent of pregnant women had normal pregnancies, 30 per cent had elevated-risk pregnancies and 5 per cent high-risk pregnancies.

207. Insured women who gave birth to a child or adopted a child were granted a paid maternity leave of 16 to 26 weeks. At the end of 1998, a discussion was taking place on the extension of maternity leave to 26 weeks in every case (39 weeks in the case of multiple births).

208. A parental leave was due, as of 2 June 1996, to employees of both sexes on an equal footing, if they had at least a six-month employment period and had a child of up to [figure missing] years of age. The length of a leave for one child was three years. If both parents (guardians) were employees, only one of them could benefit from a parental leave at a time. If a child, by reason of a health condition, chronic disease, invalidity or mental retardation was in need of constant care, the person on leave who satisfied the conditions mentioned above could also take advantage of a three-year parental leave until the child reached the age of 18, irrespective of whether such person had had such leave. All women were granted a post-natal allowance. Economically active women had a statutory legal and social protection during the period of pregnancy and after delivery. The protection included:

- Guaranteed employment and remuneration;
- Prohibition of employment at work that was particularly onerous or harmful to health;
- Prohibition of overtime work or work at night;

- Prohibition of sending to work outside the permanent workplace;

- The right to breast-feed for half an hour twice a day.

209. The organs of administration and local self-government were obliged, within the scope of their competences, to secure to pregnant women medical, social and legal assistance, in particular, through:

- Prenatal care of the foetus and medical assistance for pregnant women;

- Financial assistance and care of pregnant women in difficult material circumstances during pregnancy, birth and after birth;

- Access to detailed information on the entitlements, allowances and benefits that are due to pregnant women, mothers, fathers and their children, as well as information concerning institutions and organizations helping solve psychological and social problems and also concerning themselves with adoption issues.

210. The Ordinance of the Council of Ministers of 5 October 1993 determined the conditions for granting pregnant women or women bringing up a child social and legal assistance (Journal of Laws of 1993, No. 97, text 441). The Ordinance was amended twice, on 29 March 1994 and on 8 October 1996 (Journal of Laws, No. 44, text 172 and Journal of Laws of 1996, No. 123, text 577).

211. The amounts entitling to benefits and the benefits themselves were valorized every year in accordance with article 35, paragraph 5, of the Act of 29 November 1990 on social assistance (Journal of Laws of 1998, No. 64, text 414). In one vóivodeship, an average of 2,890 persons applied for assistance (the country had been administratively divided into 49 units before 31 December 1998). In 1998, the average cost of social assistance for pregnant women was PLN 531.45 per person. More data are contained in chapter IV concerning article 4 under "Social assistance". Certain forms of community social assistance are as follows:

- Legal aid in asserting alimony and property rights before the court;

- Pecuniary assistance for pregnant women and women bringing up a child;

- Assistance in setting up self-help groups of women bringing up disabled children;

- Organizing courses accompanied by demonstrations of household management, feeding, cooking, tailoring and sewing, making preserves for winter, home gardening;

- Assistance for unemployed women by way of employing them for the provision of nursing services;

- Organizing women's "labour clubs" for mutual assistance in job-seeking and solving everyday problems;

- Organizing, in cooperation with the Society for the Advancement of Knowledge, marketing courses for women wanting to engage in independent economic activity;
- Organizing courses on the education of children, combating drug addiction and alcoholism;
- Work in favour of resourceless and pathological families;
- Assistance in nursing and educational activities through the organization of "therapy common rooms", where children could be assisted in their learning and enjoy hot meals or a glass of milk;
- Organizing holiday camps and winter camps for children and youth and thus making it possible for their parents to take a rest;
- Collecting clothes, layettes, prams, cots, furniture and equipment for the poor;
- Organizing day adaptation centres for children and disabled young persons in order to educationally support families with disabled children;
- Stimulating social work in favour of families within the framework of tasks carried out by social assistance centres.

212. One of the forms of aid for pregnant women was that provided by homes for single mothers and children, where women found shelter and psychological, pedagogical and legal assistance. As of 31 December 1997, there were 15 such homes (660 places), financed wholly or partially by voivodes. They housed 505 persons. The establishments, run by non-government organizations and subsidized by the Ministry of Labour and Social Policy, included:

- Homes for pregnant women and women with infants, run by religious orders and Church and lay organizations;
- Shelters, places of refuge and hostels for single mothers during the confinement period and mothers with older children;
- Hostels for women and children protecting themselves from domestic violence;
- Emergency assistance stations for maltreated women and children;
- Crisis centres for victims of domestic violence.

213. In 1996, the subsidized establishments had had 2,548 places in homes for single mothers and children. 375 new places were created for women and 268 for children. The most rapid progress was observed in: Lodz voivodeship (3 homes with 104 places), Krakow voivodeship (2 homes with 128 places), Bydgoszcz voivodeship (2 homes with 76 places), Tarnobrzeg voivodeship (1 home with 90 places). Out of 15 homes, 6 were run by State agencies and 9 by

non-State agencies. There were also homes managed by the Catholic Church, associations and foundations. Some of them were subsidized by the State budget. In Gorzyce, near Sandomierz, the voivode of Tarnobrzeg established, on the basis of an agreement with the Minister of Labour, the National Social Training Centre for Women. The Centre implemented the nursing-social programme for pregnant women or women bringing up small children, who found themselves in a particularly difficult situation. The purpose of the programme is the training and occupational development of women living in the establishments which cannot by themselves be economically independent.

F. Measures for the protection of and assistance to children and juveniles, particularly protection against economic and social exploitation and work harmful to morality, life and development

Problems related to child and youth labour

214. The evaluation of the implementation of the right of children and juveniles to protection against physical and moral dangers resulting directly or indirectly from work was the responsibility of many ministries, governmental and non-governmental organizations, employers' and employees' organizations, etc. It followed from the reports of the Institute of Labour and Social Affairs that as a result of the poverty of many families, children under 15 years of age were the most vulnerable. Of importance were the activities of the International Labour Organization in favour of the adoption of a child labour convention providing for sanctions against persons guilty of infringements of particular protective provisions. The measures proposed in the Convention had been implemented in Poland for several years, e.g. through limiting more drastic forms of farm work by children. It was essential that children should be informed how to behave safely at work on a farm and that their parents should be made aware of the threats involved in certain work and in the use of dangerous agricultural machinery by children. Parents often learned about it only after injury or death of a child had occurred. A register of farm work prohibited for children was developed. It did not contain any commands but had the form of concise recommendations easy to understand for farmers. Another problem was juvenile prostitution and pornography for profit. The new ILO convention concerned with these phenomena as well as measures taken in the countries of the Baltic Region in the area of combating sexual exploitation of children were positive examples of unified efforts at fighting this pathology.

Schooling, educational and social problems of children and youths

215. Collective teaching without individualization, without cooperation between the school and the home cannot measure up to the requirements of modern civilization. Assistance to a child having difficulties at school consisted, among other things, in:

- Assessing the child's readiness for school, his/her psychomotor development, health condition and family situation;

- Activities for the alleviation of the pupil's learning difficulties;

- Referring pupils to psychological, pedagogical or specialist clinics for therapy sessions;

- Organizing holiday camps for children with reading and writing difficulties;

- Organizing compensatory or therapeutic classes;

- Assistance for the family - consultations, therapy, raising pedagogical and psychological awareness;

- Assistance for the teacher with the aim of improving his/her skills in dealing with a difficult pupil.

216. In the school year 1996/97, psycho-pedagogical clinics issued 27,532 certificates qualifying children and young disabled persons for special education establishments. Fourteen thousand five hundred and twenty six children with slight mental handicaps and 3,486 children with a moderate or considerable degree of mental disability were referred to special schools. Five thousand certificates were issued in respect of physical health: visual impairment (1,002), hearing impairment (1,295), motor disability (1,512) and combined disorders (1,122). An important component of the aid for the disabled was the schooling of pupils in integrated sections. An intensive development of such sections in preschools and schools took place in 1994, after education was taken over by the local self-governments (the Government Programme of Action in Favour of Disabled Persons and Their Integration in Society). The numbers of such educational establishments towards the end of 1997 were as follows:

- 104 integrated pre-schools (264 integrated groups);

- 146 schools (471 integrated classes);

- 15 post-primary integrated schools.

217. The number of specialists (specialist pedagogues) employed was 597. The number of trained teachers, school directors, employees of departments of education, etc. amounted to 1,018. There were 3,082 pupils participating in integrated education (1,187 in pre-schools, 1,895 in primary schools and 189 in post-primary schools). The Office for Physical Culture and Tourism implemented a programme for disabled young persons, "Sport - the chance of a lifetime" (holiday camps, preparation for sporting competitions). In 1997, disabled young persons won 136 medals in international competitions.

218. The Methodological Centre for Psycho-Pedagogical Assistance investigated in 1997 the problem of the social maladjustment of pupils. It was found out that 6.46 per cent of pupils manifested social maladjustment in one of its different forms: 2.64 per cent were aggressive, 11.19 per cent ran away from home and played truant for a long time, 0.61 per cent had been stealing, 0.59 per cent committed acts of vandalism, 0.53 per cent had been drinking alcohol. The maladjustment rates were higher in towns (6.66 per cent) than in rural areas (4.96 per cent). In the 1980s, these rates did not exceed 2 per cent of all pupils. They were much higher

(35.6 per cent) in nursing-educational and resocializing establishments. The victims and perpetrators of crimes required particular attention and therapy. According to police statistics, the number of victims below the age of 18 was on the rise. In 1995, there were 6,951 child victims of crime, in 1996, 9,417 and in 1997, 11,151. The number of fatalities more than doubled (from 34 to 79 children).

Forms of aid for children and families in a difficult situation

219. There are 331 foundations, 487 associations and 357 other institutions providing aid to children and families in Poland. These organizations provide assistance in the following areas:

- Assistance to families - 251 organizations;
- Assistance to families with many children - 266 organizations;
- Assistance to families with illnesses - 373 organizations;
- Assistance to disabled children - 489 organizations;
- Assistance to children and young persons neglected by parents - 248 organizations;
- Assistance to the unemployed - 148 organizations;
- Others - 358 organizations.

1. The age below which paid employment of children in different occupations is prohibited

220. The Labour Code, in article 190, paragraph 2, stipulates that it was prohibited to employ a person who has not reached the age of 15, irrespective of the occupation. It also introduces the notion of a "juvenile worker", referring to a person who has reached the age of 15 but has not completed 18 years of age. A person could be a party to an employment relationship in the reporting period upon completing 15 years of age. The regulations provided for the possibility of employing persons who had reached the age of 14, on condition that he/she had graduated from primary school. Such person, on the application of a statutory representative, could be employed for the purpose of occupational training. The legal basis for such possibility was provided by the Ordinance of the Minister of Labour and Social Policy on cases when it was admissible to employ juveniles who had not graduated from primary school and persons below the age of 15 who had graduated from such school (Journal of Laws, No. 62, text 291). The juvenile had to be medically examined (no contraindications for taking up work). The statutory working time of a juvenile could not exceed six hours per day. The time for learning was included in the working time; it was limited, however, to 18 hours a week. The employer was obliged to grant a juvenile a leave of absence for the time of training. It was prohibited to employ juveniles to work overtime or at night. On completing six-month work, the juvenile was entitled to 12 days of leave, and after one-year work - to 26 days of leave. In the Ordinance

of 1 December 1990 on the register of works prohibited to juveniles, the Government defined all kinds of such works (Journal of Laws of 1990, No. 84, text 500 and of 1992, No. 1, text 1). The employment of juveniles at works enumerated in the above register could not have the character of permanent employment; it had to be confined to acquainting them with the basic activities necessary for the performance of an occupation. The employee's health had also to be taken care of. The supervision over the employment of juveniles was exercised by the State Labour Inspection. In accordance with article 281 in connection with article 284 of the Labour Code, the inspectors of the State Labour Inspection could impose fines on those guilty of infringing the provisions on the protection of juvenile labour.

2. Number of children in gainful employment, age brackets, amount and place of work

221. The phenomenon of child labour in Poland was not sufficiently identified as far as statistics are concerned. It can be unofficially assumed that in about 8-10 per cent of families, children are gainfully employed. Their labour was in most cases necessitated by the child's basic needs and remuneration for work supported the meagre family budget. It is difficult to determine the age brackets and the amount of such labour. It is certain that most children and young persons were in non-gainful employment on the farms of their families (sometimes at the cost of school, more often at the cost of summer holidays); those gainfully employed were engaged in casual, short-term work in private firms (e.g. distribution of leaflets).

3. Children and young persons without protection and assistance

222. In Poland, in the reporting period there was no nationwide problem of children and young persons without access to protection and assistance. The problem of abandoned children did not exist on a social scale, either (except for a few cases). Children who are unwanted, orphaned, etc. were covered by the provisions of the Act on the system of education. For that reason, they were in the care of:

(a) Adoption and care-giving centres;

(b) Foster parents;

(c) Children's homes, including homes for small children;

(d) Family children's homes;

(e) Care-giving/educational establishments.

223. The Act of 27 August 1997 on the rehabilitation of disabled persons provided for the allocation to some 150,000 disabled children and young persons of 5-10 per cent of the annual revenues of the State Fund for the Rehabilitation of Disabled Persons for the purpose of additional financing of rehabilitation; this was on top of the social security benefits and health-care services. Severely disabled children were accommodated in social assistance homes.

The schools for the disabled included in the school year 1997/98 635 special classes in primary schools as well as numerous integrated classes (avoiding the separation of the disabled) with about 44,000 pupils, 789 special primary schools with over 80,000 pupils, 29 schools for occupational training with 1,000 pupils, 23 special general high schools with over 1,100 pupils, 291 basic vocational schools with over 27,000 pupils, 23 high schools and special technical colleges with over 1,300 pupils, 7 post-high school special schools with nearly 700 pupils.

224. In 1997, educational-corrective measures were taken with respect to 19,387 juveniles (including 1,500 girls) who had committed punishable acts. In addition, educational-corrective measures were taken with respect to 7,225 juveniles in connection with demoralization. Most of the court decisions, however, included more lenient measures - the supervision of probation officers or parents, admonition, etc. Only 12 persons were sent to prison, and 1,891 to reformatories without suspension. As of 31 December 1997, there were in Poland 26 reformatories with 1,440 charges, 47 educational centres with 2,823 charges and 18 shelters for juveniles with 657 detainees. At the same time, 169,776 juveniles (including 6,772 natural orphans) were placed under court supervision, 37,341 persons in the care of foster parents and 31,809 persons in care-giving educational establishments (court supervision concerned young persons deprived of parental authority and orphans).

G. New legislation and executive acts regarding article 10

225. These were:

- Article 18 of the Constitution (marriage, the family and parenthood are under the protection and care of the Republic of Poland);
- Articles 71 and 72 of the Constitution (families in difficult circumstances and those with many children are under the special protection of public authorities; special assistance for mothers before and after giving birth);
- The Act of 27 August 1997 on the rehabilitation and employment of disabled persons (Journal of Laws of 1997, No. 123, text 776);
- Revalorization of thresholds conferring entitlement to benefits and the amounts of benefits, in accordance with article 35a, paragraph 5, of the Act of 29 November 1990 on social assistance (Journal of Laws of 1998, No. 64, text 414);
- The Act of 18 July 1998 on the amendments in the Family and Guardianship Code (Journal of Laws of 1998, No. 17, text 757), provisions normalizing the contracting of marriages which came into force on 15 November 1998; the Act adapts the legislation to the principles adopted in the Constitution and the Concordat between the Republic of Poland and the Vatican;

- The Council of Ministers adopted on 8 October 1998 a draft bill on the Commissioner for Children's Rights;

- The Amendment of 8 October 1996 of the Ordinance of the Council of Ministers on the principles for providing social and legal assistance to pregnant women and women bringing up a child (Journal of Laws of 1996, No. 123, text 577);

- The Ordinance of the Minister of Labour and Social Policy of 29 May 1996 on the employment of juveniles who have not graduated from primary school and persons before the age of 17 who have finished such school;

- The Ordinance of the Council of Ministers of 7 November 1997 on the appointment of the Government Plenipotentiary for Family Affairs.

VI. REALIZATION OF RIGHTS ENSHRINED IN ARTICLE 11

A. Standard of living of the population

226. The standard of living was analysed every year by the Central Statistical Office (Główny Urząd Statystyczny - GUS). Of particular importance were surveys of households. In 1997 GUS studied 31,776 households. The average household consisted of 3.22 persons (2.22 in the case of retirees' and pensioners' households taken together, and 4.25 in the case of rural ones), of which: 1.15 were employed; 0.72 received retirement pay or pensions; 0.16 were on non-earned sources of maintenance; 1.19 were dependents. According to 1995 data, there were in total 10,533,000 families, of which: 2,483,000 were married couples without children; 6,278,000 - married couples with children; 1,580,000 - mothers with children; 192,000 - fathers with children. There were 34,290,000 family members, of which: 11,793,000, or 34.4 per cent, were children under 24 years of age and dependent. The average monthly household income per capita in 1997 was 473.79 zlotys (for employees - 486.41; farmers - 439.28; self-employed - 618.39; retirees and pensioners - 494.62; on non-earned sources of maintenance - 232.52). The average monthly expenditure per capita was 427.91 zlotys (for employees - 435.61; farmers - 348.68; self-employed - 546.55; retirees and pensioners - 469.28; on non-earned sources of maintenance - 249.58). In the structure of consumption expenditures, the food share dropped to third place (accounting for over 27 per cent) as early as 1996 from first place in 1990 (34 per cent at the time). The top of the list now showed expenditure on non-foodstuffs (over 33 per cent) and services (over 31 per cent). In 1997 consumption in households was higher by 7.1 per cent than in 1996 (in constant prices) and was similar to the increase in GDP. The average monthly net wage and salary in 1997 was 872.91 zlotys, in 1998 - 1,030.00 zlotys, or 92.4 per cent of the average real wage and salary in 1988. The real value of the lowest wage and salary in 1998 was significantly higher than in 1988 (135.7 per cent).

Table 21. Purchasing power of an average net wage and salary in 1990-1998

Specification	1990	1995	1997	1998
Standard loaf of bread 0.6 kg	626	817	776	868
Potatoes 1 kg	2 007	862	1 087	1 781
More expensive apples 1 kg	306	346	491	532
Meat 1 kg - kg of beef boneless	45	69	72	83
Loin of ham 1 kg	23	40	42	58
Milk 1 l	1 822	824	917	1 018
Hard cheese Gouda 1 kg	72	58	71	79
Eggs 1 pc	3 001	3 417	2 924	3 276
Sugar 1 kg	199	317	425	504
Chinese tea 100 g	293	591	671	800
Natural coffee, average price for 250 g	114	93	117	149
Cheapest vodka 0.5 l	40	52	53	61
Cigarettes, average price for 20 filter cigarettes (1 pack)	478	425	471	501
Women's winter coat (100 per cent wool), 1 pc	5.3	1.9	1.8	1.8
Man's 2-pc suit, wool ([illegible]), 1 set	3.1	2.2	2.3	2.6
[illegible]	12.8	10.2	10.7	10.7
Washing machine, 5 kg capacity, 1 unit	0.41	0.62	0.74	0.87
Refrigerator, 200 l capacity, 1 set	0.61	0.87	1.0	1.1
Vacuum cleaner, 1 pc	2.8	1.7	4.4	4.4
Colour TV 21" screen, 1 set	0.21	0.52	0.77	0.88
Petrol, 1 litre	460	456	510	549

Source: Data of the Main Statistical Office.

Table 22. Households furnished with selected durable goods, in 1995 and 1998, in per cent

Durables	1995	1998						
		Total	Employees	Farmers	Self-employed	Retirees	Pensioners	On non-earned sources of maintenance
Radio	73.6	62.8	54.3	68.4	56.5	75.6	69.5	53.4
Colour TV	86.2	93.9	98.1	88.7	98.9	89.8	87.3	86.7
VCR	50.5	55.8	73.0	41.5	83.2	33.2	32.8	35.7
Camera	1.6	2.7	3.7	0.7	11.0	1.0	0.7	0.4
Computer	7.7	10.2	15.9	2.8	27.4	2.9	2.9	4.7
Automatic washing machine	60.9	67.9	81.3	42.6	91.1	59.7	49.5	48.0
Refrigerator	97.4	98.0	98.5	98.0	98.7	97.7	96.9	94.4
Vacuum cleaner	91.9	92.4	96.3	85.8	97.6	89.6	86.0	83.7
Sewing machine	54.5	46.7	44.7	54.2	48.7	48.1	43.0	24.1
Car	39.4	44.5	50.3	66.8	82.9	25.9	20.6	14.8

Source: Data of the Main Statistical Office.

B. Right to adequate food

1. The extent to which the right to adequate food is being realized; sources of information

227. Table 21 above illustrates real ability to purchase food. In 1996 food purchases (excluding alcohol) accounted, on average, for 37.8 per cent of total expenditure of households (yet only 27 per cent of expenditure on broadly-defined consumption), in 1997 - 36.0 per cent of total expenditure. Over 58 per cent of total expenditure in 1997 accounted for non-foodstuffs (of which: 22 per cent represented housing costs, 6.9 per cent clothes and shoes, 2.0 per cent tobacco, 2.0 per cent education, 3.8 per cent health, 3.2 per cent personal hygiene, 5.5 per cent culture, sports and recreation, and 9.8 per cent transport and communications). The self-assessment of households submitted in the previous report remains accurate for the years 1995-1998 (see tables provided in that report, according to which not more than 34.8 per cent of households reported their food needs to be well met or quite well met, whereas 26.8 per cent had a rather negative opinion on this subject - the worst opinion being reported by 7.4 per cent of that group. Nevertheless, the general trend of changes after 1989 can be positively assessed, as the share of wages and salaries spent on food was decreasing - an indirect sign of its increased availability - and the percentage of people negatively evaluating the extent to which their food requirements are satisfied will continue to decline. The following data also indicate that the increase in food prices was slowing down, and in some commodity groups the prices were already rising at a slower rate than inflation indices.

Table 23. Indices of food and alcohol price increases in 1995-1998 (previous year = 100)

Specification	1995	1996	1997	1998
Food, total of which:	126.8	118.4	112.3	107.1
– cereal products	129.7	134.8	115.5	105.8
– potatoes, pulses, vegetables, mushrooms, fruit and processed products	132.6	111.9	112.1	107.0
– meat, offal and processed products	113.2	115.2	113.6	105.0
– fish and fish products	124.5	117.5	114.7	113.7
– edible fats	130.3	110.5	113.3	109.0
– dairy products	140.4	117.7	112.5	108.1
– eggs	93.6	124.4	97.2	106.7
– sugar, confectionery and honey	142.7	121.9	104.0	104.7
– condiments, spices and other foodstuffs	145.5	117.1	111.8	112.6
– alcoholic beverages	128.6	125.4	113.7	112.7

Source: Data of the Main Statistical Office.

2. The problem of hunger and malnutrition among the more vulnerable socio-occupational groups

228. In the years 1995-1998 the problem of hunger did not exist in Poland. There were, however, instances of malnutrition among some individuals and families (but not whole socio-occupational groups). The problem touched the poorest families (some unemployed, some small-town and rural communities, rarely urban ones), and pathological families (especially where alcoholism, drug addiction and family violence occurred), and where one of the parents was in prison.

3. Measures and steps taken by the Government to guarantee access to adequate food; methods of production, conservation and distribution of food

229. A matter of particular importance for the Ministry for Agriculture and Food Economy in the years 1995-1998 was the production of special foods, appropriate to various diets and diseases and appropriate to a healthy development of the human body at all stages of its growth. This production covered: nutritional food for infants and children (including modified milk), milk products, milk-based cereal products, milk-based fruit products, fruit and cereal, fruit and vegetable babyfoods, as well as special types of canned foods. Other products included:

- Deglutinate food for children with celiac disease and phenylketonuria (concentrates and ready-for-consumption products);
- Food for diabetics;
- Diet food of general application;
- Food for artificial feeding of the sick in hospitals;
- Special food for the treatment of certain diseases (e.g. low protein, with a low sodium chloride content);
- High calorie food for those with high energy expenditure (e.g. sportsmen/women and soldiers).

230. Since 1993 the Ministry of Agriculture and Food Economy has financed - from funds earmarked for biological progress in agriculture - protection of plant gene resources and farm animal genetic resources. The objective was to preserve the genetic material of plants cultivated to date, as well as of those which used to be found in their natural habitat and were threatened with extinction. Resources of plant genes allowed us to breed new crop varieties resistant to diseases and pests and of high quality. At the Institute of Plant Breeding and Adaptation in Radzikowo, a Plant Gene Resource Centre was established with a collection of around 60,000 samples. Poland, in ratifying in 1996 the Convention on Biological Diversity, took on the responsibility of protecting the genetic resources of crop plants. The Polish growers had at their disposal species appropriate to the geographical location.

231. Strengthening quality control and food safety systems, promotion of proper farming practices and an adequate education of consumers represent the chief methods which ensure adequate food. Food safety and preservation of food quality throughout food production, processing, packaging and storage was to be ensured by a system of controls which would help lower losses and apply proper processing technologies. Attention to the quality and safety of food started at the farm production level and continued up to the collective consumption level. Proper farming practices mean proper application of pesticides, fertilizers and veterinary medications in the pre-harvesting period and after harvest, there is a practice of self-monitoring while storing and applying chemicals and using means of processing and transportation. The food industry was interested in the development of effective technologies and the application of modern methods to ensure quality, as well as the training of personnel responsible for food processing and management. Government and non-government organizations and institutions were engaged in this process. The role of the Ministry for Agriculture and Food Economy has been to:

(a) Cooperate with foreign experts in training and the implementation of systems, ensuring the achievement of healthy food (PHARE projects, bilateral cooperation with EU countries);

(b) Introduce legislation on the quality and safety of food (e.g. regulation of the minister on marking practices of consumer goods, condiments and approved supplements);

(c) Prepare legislation necessary for the enactment of regulations on the production and sale of food (work was under way on draft laws dealing with the quality of food sold commercially and certificates related to the geographical source of the products and the specific production method) as well as food safety and quality control services during production and sale (changes in the functioning of the Central Inspectorate for Standardization and Inspection of Acquisition and Processing of Farm Goods were being prepared).

232. Additionally, during the reporting period the Ministry of Agriculture and Food Economy actively participated in the work of the FAO/WHO Food Code Commission, took part in international seminars on food quality and safety, participated in the implementation of the National Health Programme (see art. 12 below), and acted in support of the harmonization of regulations with EU legislation (mainly the issue of food quality).

4. Measures taken by the Government to ensure an efficient agricultural system

233. The medium-term rural and agricultural development strategy defined the role the agro-food sector was to play in the realization of a nutritional food policy as the most efficient and least expensive form of improving health among the population. It was determined that recommendations for the food production, processing and distribution sector needed to go hand-in-hand with a new model of consumption (with products conforming to the health-oriented diet model, i.e. with a lower fat, sugar and table salt content, but high content of fibre, vitamins, and macro- and micro-elements). This was closely connected to further improvement in the quality of raw materials and food products. This required changes in the

process of their production, as well as the application of effective quality systems, adapted to EU standards. At all levels of the food economy, efforts were made to apply modern technologies, such as integrated or environment friendly crops, and the elimination of food production in areas with contaminated soil and in regions with a large concentration of industry and wheel traffic.

C. Right to adequate housing

1. Statistical data on the housing situation

234. In 1998 there were 300.2 dwellings for every 1,000 people. Around 50 per cent of young families lived in self-contained accommodation. Considering that around 600,000 dwellings were under construction and around 550,000 were fit for demolition, it was recognized that an estimated 1.5 million households would require housing in the next few years. In the 1980s and 1990s, two dwellings per 1,000 people were completed, on average. The drop in indicators was particularly significant during the transition period and was the result of falling demand and a simultaneous increase in costs. The process of "shrinkage" in the construction industry has been going on since about 1980 and was mainly related to multi-family housing (for instance, in 1992 96,100 dwellings were completed, whereas in 1998 only 38,320). The largest drop was noted in cooperative house construction, as well as in municipal and company housing. The number of dwellings completed in privately owned buildings was similar in 1992 (36,863) and in 1998 (37,322). Another aspect of financial problems in housing is illustrated by the fact that the number of dwellings with rent outstanding for three months or longer represented 7.2 per cent (230,100 dwellings) in cooperatives, 14.2 per cent (240,100) in municipal housing, and 8.0 per cent (73,000 dwellings) in company housing.

Table 24: Number of dwellings, rooms, floor space and household size, 1995-1998

Specification	As at 31 December 1995	As at 31 December 1997	As at 31 December 1998
Inhabited dwellings (thousands)	11 491.2	11 612.8	11 687.7
Of which in urban areas	7 662.3	7 763	7 822.8
Of which in rural areas	3 828.9	3 849.8	3 864.9
Rooms (thousands)	39 623.3	40 188	40 524.3
Of which in urban areas	25 664.6	26 087.9	26 331.5
Of which in rural areas	13 958.7	14 100.1	14 192.8
Average floor space per person (m^2)	18.4	18.6	18.8
Average number of people per dwelling	3.29	3.26	3.24
Of which in urban areas	3.03	3.00	2.98
Of which in rural areas	3.82	3.80	3.79

Specification	As at 31 December 1995	As at 31 December 1997	As at 31 December 1998
Average number of people per room	0.96	0.94	0.94
Of which in urban areas	0.91	0.89	0.88
Of which in rural areas	1.05	1.04	1.03
Average usable floor space of a dwelling (m^2)	60.5	60.9	61.1
Of which in urban areas	55.2	55.6	55.8
Of which in rural areas	71.0	71.5	71.7

Source: Data of the Main Statistical Office and of the Office of Housing and Urban Development.

Table 25. Number of dwellings completed in 1995-1998 (thousands)

Specification	1995	1996	1997	1998
Total	67.1	62.1	73.7	80.6
Urban areas	48.2	45.3	55.2	61.6
Rural areas	18.9	16.8	18.5	19.0

Source: Data of the Main Statistical Office and of the Office of Housing and Urban Development.

235. At the end of 1997 there were 602,875 dwellings under construction, 4.6 per cent more than at the end of 1996. In 1997 construction began on 97,835 dwellings, 0.8 per cent less than in 1996. That same year, the greatest number of dwellings per 1,000 people was completed in Białostockie voivodeship (4.4) and Warszawskie and Krakowskie voivodeships (3.3 each), and the smallest number in Katowickie voivodeship (0.7) and Wałbrzyskie voivodeship (0.8) (in accordance with the administrative division of 49 voivodeships, until 31 December 1998). Such differences resulted from the fact that the Katowickie and Wałbrzyskie voivodeships represent a polluted and degenerated environment, in terms of infrastructure as well as socially, hard-coal-mining regions only embarking on the road to restructuring.

Table 26. Average floor space of completed dwellings 1995-1998 (m^2)

Specification	1995	1996	1997	1998
Total	89.6	92.1	93.3	93.4
Urban areas	80.5	82.4	84.4	83.9
Rural areas	112.9	118.1	120.2	124.0

Source: Data of the Main Statistical Office and of the Office of Housing and Urban Development.

Table 27. Percentage of urban and rural dwellings constructed, by period of construction (census data of 17 May 1995)

Dwellings	Before 1945	1945-1970	1971-1978	1979-1988	1989-1995
Urban areas	28.5	28.6	20.3	16.9	5.7
Rural areas	32.8	34.1	14.9	14.0	4.2

Source: Data of the Main Statistical Office.

Table 28. Dwellings, by form of ownership, as at 31 December 1998

Specification	No. of dwellings	In %
Total dwellings	11 687 700	100.0
Cooperative housing of which:	3 329 300	28.5
- member-owned	2 043 600	17.5
Municipal housing, of which:	1 555 100	13.3
- gmina (commune) owned	692 100	5.9
- condominium owned	855 900	7.3
Company housing, of which:	682 800	5.8
- company owned	596 100	8.6
- condominium owned	86 700	0.7
Private housing, of which in buildings:	6 120 500	52.4
- with gmina (commune) co-ownership	541 600	46
- with company co-ownership	137 200	1.2
- occupied by administrative decision of allotment	ca. 600 000	ca. 5.2

Source: Data of the Office for Housing and Urban Development.

Table 29. Dwellings fitted with installations as a percentage of total of occupied dwellings (31 December)

Specification	1995	1996	1997	1998
Urban areas				
- water line	96.7	96.9	97.1	97.4
- lavatory	88.3	88.7	89.1	89.0
- bathroom	86.0	86.5	86.9	87.4
- gas from gas mains	74.9	75.4	75.9	76.0
- central heating	77.8	78.3	79.0	79.6
Rural areas				
- water line	76.2	77.8	79.4	80.8
- lavatory	57.0	58.4	59.8	61.4
- bathroom	61.5	62.9	64.2	65.3
- gas from gas mains	12.1	13.1	13.8	13.9
- central heating	49.7	50.9	52.2	52.2

Source: Data of the Main Statistical Office and of the Office of Housing and Urban Development.

236. In 1995, 75.7 per cent of total housing (comprising urban and rural areas) were equipped with sewage installations as well as lavatories and bathrooms, 43.2 per cent - apart from the aforementioned - had gas (from the gas-line system) and central heating. Those fitted with just sewage installations accounted for 14.5 per cent of the total, while 9.8 per cent had no sewage systems and 8.9 per cent had no sewage, gas or central heating. In 1997, dwellings with sewage installations as well as lavatories and bathrooms rose to 79 per cent of the total, and those with gas (from the gas-line system) to 55 per cent. Dwellings without any sewage systems dropped to 9 per cent of the total (source: GUS analysis "Gospodarka mieszkaniowa w 1997" and information of the Office for Housing).

2. Vulnerable groups

(a) The number of homeless people

237. According to social welfare estimates the number of homeless people in 1998 stood at about 80,000 (about 0.2 per cent of the whole population). The figure was based on information about the services rendered, such as shelter, lodging houses, eating houses, social work.

(b) The number of individuals inadequately housed

238. Information about substandard housing was determined on the basis of house surveys. The substandard rating was given not only to dwellings inadequately furnished (technically and otherwise), but also to those in good technical condition, but lacking flush toilets or simply being overcrowded, i.e. with three or more individuals to a room. Dwellings considered in bad technical condition included:

- Dwellings in one/single-room buildings erected before 1979;
- Dwellings in buildings with exterior walls of flammable material, erected before 1971 and lacking plumbing;
- Dwellings in buildings with exterior walls of non-flammable material, erected before 1945 and lacking plumbing.

Table 30. Individuals living in substandard conditions - data from 1995

	Total	Substandard condition due to:		
		Bad technical condition of the building	Inadequate basic sanitation/plumbing facilities	Overcrowding
In thousands				
Total	10 269.4	1 982.3	5 557.0	2 730.1
- urban areas	3 729.0	341.1	1 723.7	1 664.2
- rural areas	6 540.4	1 641.2	3 833.3	1 065.9
As % of total occupants of dwelling				
Total	26.9	5.2	14.5	7.2
- urban areas	15.9	1.5	7.3	7.1
- rural areas	44.3	11.1	26.0	7.2

Source: Data of the Office for Housing.

(e) Number of individuals evicted and without legal protection from eviction

Table 31. Evictions in the years 1996-1998

Housing tenure	Year	Court orders		Court orders		Executed	
		Total	Of which for rent outstanding	Total	Of which for rent outstanding	Total	Of which for rent outstanding
Total	1996	23 708	20 610	12 745	11 693	4 242	2 778
	1997	24 944	22 372	13 100	12 041	4 146	3 806
	1998	26 346	24 446	13 050	12 318	5 376	5 031
Cooperative	1996	7 011	6 519	5 291	5 089	1 350	1 271
	1997	7 315	6 844	5 005	4 848	1 955	1 863
	1998	7 505	7 132	4 859	4 677	2 447	2 370
Municipal	1996	13 569	11 350	5 747	5 112	1 400	1 120
	1997	13 727	12 054	6 205	5 461	1 642	1 476
	1998	15 724	14 428	6 841	6 379	2 379	2 162
Company	1996	3 128	2 471	1 707	1 492	1 492	387
	1997	3 807	3 407	1 845	1 688	527	446
	1998	2 984	2 767	1 268	1 184	512	464
Condominium	1997	95	67	45	44	22	21
	1998	133	119	82	78	38	35

Source: Office for Housing and Urban Development based on data of the Main Statistical Office.

239. Evictions have been reinstated under the Act of 2 July 1994 on home rentals and subsidies (Journal of Laws of 1998, No. 120, item 787) which came into effect on 12 November 1994. For this reason no GUS data are available about evictions before 1996, as they were very rare during that time. There are no instances of anyone being deprived of legal protection from eviction.

(d) Number of persons whose housing expenses are above Government-set limits

240. The situation is illustrated indirectly by the following statistics on housing subsidies in 1998. Precise data to answer the question are unavailable.

Table 32. Housing subsidies in 1998

	Total	Subsidies paid to tenants in 1998							
		Municipal	Cooperative	Company	Other	Municipal	Cooperative	Company	Other
	In absolute numbers					% of total			
Number of subsidies paid	8 640 553	2 888 950	4 020 223	901 814	829 566	33.4	46.5	10.4	9.6
Subsidy amount in thousand zlotys	916 739.4	288 492.8	446 521.7	105 689.5	76 035.4	31.5	48.7	11.5	8.3
Average subsidy amount in zlotys	106.1	99.9	111.1	117.2	91.7	x	x	x	x

Source: Office for Housing and Urban Development based on data of the Main Statistical Office.

(e) Number of persons with different types of housing tenure

241. The data below refer to the number of households by tenants' character. See also table 28 above.

Table 33. Households by tenants' character in 1995

Specification	Total	Household character		
		Members of housing cooperatives	Renters	Owners
Households, in thousands	6 089.8	2 633.1	3 111.6	345.1
Average floor area, in m^2	49.7	50.4	48.9	52.0
Average monthly rent, per household (in zlotys)	103.92	133.65	79.03	101.55
Average monthly rent per m^2 (in zlotys)	2.09	2.65	1.62	1.95

Source: Data of the Office for Housing on the basis of the census of 17 May 1995.

3. Laws affecting the right to housing

(a) Legislation concerning the right to housing

242. The Act on real estate management of 21 August 1997 (Journal of Laws of 1997, No. 115, item 741) codified existing regulations and adapted laws to market conditions. The Act did not introduce fundamental changes to what was said in the previous report. The basic guidelines of the housing policy have been laid down in "State housing policy guidelines" passed by the Sejm on 6 July 1995. In 1998 the Office for Housing and Urban Development prepared a document, "Urban and real estate development, residential house construction - medium-term

sector strategy" accepted by the Council of Ministers Economic Committee on 29 June 1998. The document provided a more precise and in-depth presentation of the housing policy guidelines of that time for 1999-2001. Article 75, paragraph 1, of the Constitution states: "Public authorities shall pursue policies conducive to satisfying the housing needs of citizens, in particular combating homelessness, promoting the development of low-income housing and supporting activities aimed at acquisition of a home by each citizen."

(b) Legislation concerning housing, municipal cooperatives, the homeless

243. Matters concerning rental of dwellings have been regulated under the aforementioned Act of 2 July 1994 on house rentals and subsidies. The provisions of that law did not deal with premises at the disposal of units subordinate to or supervised by the Ministry of the Interior and Administration, the Office of State Protection, units of penitentiary personnel subordinate to the Minister of Justice, or premises at the disposal of the Military Housing Agency. Pursuant to article 7, paragraph 1, point 7, of the Act of 8 March 1990 on territorial self-government, as well as article 4 of the aforementioned Act of 2 July 1994, the task of meeting housing needs of the members of self-governing communities rested with the gminas (communes) themselves. The Act provided the gmina councils with powers to pass resolutions determining the terms of managing their housing stocks and criteria for selecting those in urgent need of housing, whether permanent or social, and to be given priority in signing tenancy agreements. The accommodation should have been provided to low-income families, as well as be available for exchange or social housing (low-income housing could have been rented out to persons in need of housing and falling on bad times). The method of determining separate ownership of independent housing units, units destined for other uses, rights and obligations of the unit owners, as well as joint property management were set out in the Act of 24 June 1994 on ownership of premises (Journal of Laws of 1994, No. 85, item 388 and Journal of Laws of 1997, No. 106, item 682). Matters concerning members of housing cooperatives were provided for under the Act of 16 September 1982 - Law on cooperatives (Journal of Laws of 1995, No. 54, item 280) and cooperative by-laws, i.e. their statutes and regulations.

244. Pursuant to article 10, paragraph 2, of the Act on social aid, "among their own duties ... of an obligatory character and executed by the gminas are: provision of shelter, meals, necessary clothing to those in need ...", and pursuant to article 14, paragraph 2, "shelter is provided in dormitory facilities, shelters for the homeless and other facilities". Shelter was also provided by non-governmental organizations, in close cooperation with the gminas. Shelters, especially in wintertime, were overcrowded. The chief problem that church and private organizations, foundations, etc. had to cope with was limited funds and resources.

(c) Legislation relevant to land use, land distribution and allocation, expropriations, provision for compensation, land planning

245. Acquisition of real estate for housing construction was provided for by two regulations:

(a) Civil Code provisions governing an investor's acquisition of real estate from natural persons and legal entities;

(b) Act of 21 August 1997 on real estate management governing the acquisition of real estate from the State Treasury and units of territorial self-government. Investors engaged solely in the construction of housing or provision of the technical infrastructure could be exempted from tendering when acquiring real estate for those purposes if they spend income from their activity exclusively on statutory objectives. There were also provisions which allowed acquiring from the State Treasury or units of territorial self-government real estate carrying a discount on the real estate price or the charges for use of land by right of perpetual usufruct. The local authorities determined the level of the discounts. Legislation did not allow for real estate expropriations to satisfy housing needs.

(d) Legislation concerning the rights of tenants to security of tenure, to protection from eviction, to housing finance and rental control (or subsidy)

246. Regulations to that effect have been included in legal acts mentioned in this section (e.g. with respect to eviction).

(e) Legislation concerning building codes, building regulations and standards with respect to infrastructure

247. Project design, construction, maintenance and demolition of buildings as well as principles of operation of administrative organs in this respect were provided for under the Act of 7 July 1994 - the Building Law and executive regulations. The Act was amended many times (see list of legal acts at the end of this Part).

(f) Legislation prohibiting any form of discrimination in the housing sector, including against groups not traditionally protected; eviction laws

248. Legislation in force in the years 1995-1998 provided instruments to ensure protection for the weaker, more vulnerable groups. Among them was the guarantee against eviction during the so-called protective period, i.e. from 1 November through 31 March, if no substitute accommodation was provided (article 37 of the Act of 2 July 1994 on house rentals and subsidies (Journal of Laws of 1998, No. 120, item 787 with later amendments)). Another protective instrument was the right to social housing. The influence of the courts on the situation of the evicted - by ruling to grant such right - concerned eviction from dwellings subject to the Act on housing rentals and subsidies, as well as the Act of 16 September 1982 - The Cooperative Law (Journal of Laws of 1995, No. 54, item 288), but only with respect to tenants in cooperative housing. In such cases, the gmina had the duty to provide social housing. The new law drafted in the reporting period on house rental and protection of tenants provided for tenants to be protected under the respective regulations concerned with protection of tenants, especially those which referred to the court's capacity to grant the right to social housing in its decision ordering a tenant to leave the premises, taking into consideration in particular the situation of households with young children and disabled or incapacitated persons. These limitations will not apply to evictions ordered on grounds of family violence.

(g) Legislation prohibiting any form of eviction

249. There was no legislation in Poland to prohibit any and all forms of eviction in the years 1995-1998. There were regulations limiting the exercise of eviction, described herein.

(h) Legislation prohibiting speculation on housing, particularly when such speculation has a negative impact on the fulfilment of housing rights for all sectors of society

250. There was a free real estate market in Poland and the term "house speculation" was not used. Legislation designed to help exercise the right to accommodation for those who could not afford to buy a home or rent one at market prices has been described in the other sections of this Part.

(i) Legislative measures conferring legal title to those living in the "illegal" sector

251. Those living "illegally" and with no other accommodation could be referred to social care houses, low-income housing provided by gminas, or dormitory facilities operated by non-governmental - social, private, church, etc. - organizations. There was, however, no basis for conferring legal title to "illegal" dwellings or other buildings adapted for housing purposes by "illegal occupants", as the institutions and authorities mentioned had statutory duties towards persons in such a predicament.

(j) Legislation concerning environmental planning and health in human settlements

252. See the list of new acts and execution instructions referring to article 11 at the end of this Part.

4. Other measures to fulfil the right to housing

(a) Measures taken to enable local community-based organizations and the "informal sector" to build housing; government funding; measures taken by the State to build housing developments and to increase construction of rental housing

253. In 1995, on the basis of the Act of 26 October 1995 on selected forms of support for building housing and the amendment of selected acts, a legal framework was established along with the terms of State assistance for the construction of rental housing for moderate rent as well as cooperative housing. A new category of investors and managers was introduced on the Polish house market - Towarzystwa Budownictwa Społecznego (Low-Income House Construction Societies). A National Housing Fund (Krajowy Fundusz Mieszkaniowy) was also set up. One of its objectives was to provide the Societies and cooperatives with preferential credits to build, reconstruct, enlarge, convert and modernize residential housing and buildings adapted to provide rental housing and, in the case of cooperatives, cooperative dwellings. Credits were also provided to gminas developing the technical infrastructure related to rental housing. The Fund obtained its financing chiefly from the central budget. To cover the costs of the housing deposit or prepayment, renters and cooperative members had the right to use the funds they had been collecting in their house-savings accounts with Bank PKO as well as their so-called guarantee premiums. The Fund has financed with preferential credits the realization of

almost 6,000 full-standard rental and cooperative housing units. Credit applications for the construction of over 5,500 new units were under consideration. As of 30 December 1998 the Societies and cooperatives had completed 2,027 dwellings with the assistance of Fund credits, 34 units in 1996, 255 units in 1997, and 1,738 units in 1998.

(b) Measures taken to release unutilized, underutilized or misutilized land

254. In 1997 a total of 1,550.3 hectares were made available for housing construction. Of this, 83.3 per cent were designated for single-family housing (of which over half was on improved/developed land) and 16.7 per cent for multi-family housing (of which over half was on improved/developed land). The total stock of land designated for housing construction as at 31 December 1997 stood at 39,522.6 hectares. Of this total, 46.5 per cent was undeveloped land designed for single-family housing, 24.1 per cent was developed land for the same type of housing construction, 21.2 per cent was undeveloped land for multi-family housing and 8.2 per cent developed land for this type of construction. There was a provision under the Act on real estate management for public administration bodies to intervene in cases when real estate is being developed for other purposes than designated, but only when dealing with land released for perpetual usufruct. There was no possibility, due to protection of the right of ownership under the Constitution, to intervene in the case of land constituting the property of natural persons or legal entities.

(c) Financial measures taken by the State concerning the housing sector

255. State assistance with respect to the construction of housing took the form of:

(a) Income tax allowances for natural persons;

(b) Corporate tax exemptions for the Low-Income House Construction Societies;

(c) Payment of so-called guarantee premiums to owners of house savings accounts;

(d) Credits from the National Housing Fund to finance construction of rental and cooperative housing;

(e) A 10 per cent redemption of investment costs financed with those funds, after they have been settled;

(f) Assigning from the budget part of the funds at the disposal of the Mortgage Fund.

256. State budget expenditures on housing included:

(a) Buying out interest on housing credits;

(b) Redemption of housing credits;

(c) Refunding of guarantee premiums;

(d) Payments to the Mortgage Fund;

(e) Funds for the National Housing Fund;

(f) Subsidies to gminas for partial financing of housing subsidies;

(g) Compensation to housing cooperative candidates (until end 1998);

(h) Subsidies to gminas for land development/improvement (until end of 1998);

(i) Subsidies to housing cooperatives (for energy costs and removal of defects, until end 1998).

Table 34. Share of the above budgetary expenditure in GDP in 1995-1998

Year	Share of GDP
1995	1.0%
1996	0.9%
1997	0.8%
1998	0.7%

Source: Data of the Office for Housing and Urban Development.

5. Changes adversely affecting the right to adequate housing

257. In the reporting period no changes have been introduced into national policy or legislation that would have an adverse effect on the right to adequate housing. In terms of practice, more evictions were adjudicated and carried out than previously, especially for back rent (see table 31 above). Those, however, cannot be treated as a negative change in the practice but as a consistent application of the Act of 2 July 1994 on home rentals and subsidies (Journal of Laws of 1998, No. 120, item 787) which came into effect on 12 November 1994.

D. Position of the Office for Housing and Urban Development on paragraphs 16 and 25 of the concluding observations on the previous report (E/C.12/1/Add.26) with reference to housing matters

258. Matters dealing with the right to housing and protection of tenants as well as evictions and provision of substitute accommodation will be put under discussion and consideration again, due to the preparation of drafts of:

- The act on housing rentals and tenant protection, which is undergoing interdepartmental consultations;

- The act on housing subsidies, which has been referred to the Council of Ministers Economic Committee for debate.

259. In accordance with article 75, paragraph 2, of the Polish Constitution, protection of the rights of tenants is provided by law, pursuant to article 236, paragraph 1, of the Constitution - the Government is responsible for presenting to the Sejm bills essential for the Constitution to be applied, within a two-year period from the date of its coming into effect. Moreover, pursuant to article 75, paragraph 1, of the Constitution, which places responsibility with public authorities for, among other things, combating homelessness, there is a proposition with respect to the most needy - the homeless, individuals and families temporarily without a roof over their heads, families with no income and for various reasons unable to qualify even for social housing provided by gminas - of a social housing programme which would include the construction of social hostels, shelters and dormitory facilities. The aim of the programme is to reduce homelessness and poverty by providing (relatively quickly and at low prices) a roof over the head of persons permanently or temporarily made homeless, injured, casualties of natural disasters, single mothers with no income, people with disabilities, and the marginalized. Just as important is the possibility of adapting selected buildings, currently unused, for housing needs. That is why there must be room for departure from standards set by building regulations, so that the ensuing social housing can be built as collective type of accommodation (e.g. with shared kitchens, dining areas and bathrooms, and in the case of dormitory facilities also with common bedrooms). The Office for Housing and Urban Development has prepared a bill on State assistance in setting up and operating low-income facilities and submitted it to the Ministry for Labour and Social Policy for analysis and possible joint referral for interdepartmental discussion.

E. New legislative and executive acts regarding article 11

260. These were:

- Article 75 of the 1997 Constitution (citizens' housing needs and protection of tenants' rights);
- Amended Act of 16 September 1982 - Law on Cooperatives (Journal of Laws of 1995, No. 54, item 288);
- Act of 2 July 1994 on housing rentals and subsidies, amended on 21 August 1997 (Journal of Laws of 1998, No. 120, item 787 with later amendments);
- Several amendments to the Act of 7 July 1994 - The Building Regulations (Journal of Laws of 1996, No. 106, item 496; of 1997, No. 111, item 726; No. 133, item 885; No. 141, item 943; of 1998, No. 106, item 668);
- Several amendments to the Act of 27 October 1994 on toll highways (Journal of Laws of 1996, No. 106, item 496; No. 156, item 775; of 1997, No. 133, item 885; of 1998, No. 106, item 668);
- Act of 26 October 1995 on selected forms of support for housing construction and the amendment of selected acts;
- Act of 27 June 1997 on occupational health services (Journal of Laws of 1997, No. 96, item 593);

- Act of 21 August 1997 on real estate management (Journal of Laws of 1997, No. 115, item 741);

- Regulation of the Council of Ministers of 28 July 1998 on determining the circumstances and causes of accidents at work (Journal of Laws of 1998, No. 115, item 744);

- Regulation of the Minister of Health and Social Welfare of 30 May 1996 on conducting medical check-ups of employees, scope of health care over employees as well as medical diagnosis issued for purposes foreseen by the Labour Code (Journal of Laws of 1996, No. 86, item 394);

- Regulation of the Minister of Labour and Social Policy of 26 September 1997 on health and safety at work (Journal of Laws of 1997, No. 129, item 844);

- Regulation of the Minister of the Protection of the Environment, Natural Resources and Forestry of 5 June 1995 on the requirements that should be met by evaluations of the impact of motorways on the natural environment, farmland and forests as well as cultural assets under protection (Journal of Laws of 1995, No. 64, item 332);

- Regulation of the Minister of the Protection of the Environment, Natural Resources and Forestry of 14 July 1998 on the types of investment projects particularly harmful to the environment and human health, or with the ability to cause environmental deterioration, as well as requirements that should be met by evaluations of the impact of those investments on the environment (Journal of Laws of 1998, No. 93, item 589);

- Regulation of the Minister of the Protection of the Environment, Natural Resources and Forestry of 14 July 1998 on the requirements that should be met by evaluations of the impact on the environment of investments not classified as particularly harmful to the environment and human health, or with the ability to cause environment deterioration, structures and works impacting water relations (Journal of Laws of 1998, No. 93, item 590).

VII. REALIZATION OF THE RIGHTS ENSHRINED IN ARTICLE 12

A. Physical and mental health of the population

261. With reference to the general assessment presented in the previous report, we can state that in the years 1995-1998 :

- The situation in respect of the diseases of the cardiovascular system has improved somewhat (lower percentage of causes of death);

- The situation in the area of neoplasms has not improved;

- The situation in respect to infectious disease has improved;

- In general the death rate declined, but excess male mortality persisted;

- There was a substantial drop in the infant mortality rate;

- The average life expectancy has grown noticeably, especially for women;

- Territorial differentiation of mortality persisted.

Cardiovascular disease

262. This continued to be the primary cause of death in the period under discussion. In 1995 cardiovascular disease was responsible for 50.4 per cent of deaths, i.e. 194,710 cases of which about 46 per cent were males and about 56 per cent females. In 1996 the disease was responsible for 45.7 per cent of deaths among males and 55.6 per cent among females. However, a downward trend appeared in 1991. The main causes of death were: disease of the arteries due to atheromatosis, ischaemic heart disease and cerebrovascular disease. Arterial hypertension incidence (currently about 20 per cent of the population) was on the increase. Diseases of the circulatory system were the primary causes of hospitalization (about 20 per cent among males and about 16 per cent among females). About 30 per cent of males and about 20 per cent of females died of cardiac infarction outside the hospital; the time gap between the first symptoms and hospitalization was too long.

Neoplasms

263. This was the second major cause of death (accounting for 21.5 per cent of deaths amongst males and almost 18 per cent amongst females). In 1995-1998, neoplasms of the trachea, bronchia and lungs were responsible for the biggest increase in the number of neoplasm cases along with neoplasms of the lower alimentary tract (especially rectal carcinoma) and pancreas. In women it was breast and cervical carcinoma. There were signs that the rising incidence of neoplasms and neoplasm-related deaths has been arrested but they continued to be the cause of 10 per cent of all hospitalizations in Poland. Carcinoma of the lungs was responsible for the sharpest increase of admissions to hospital. In 1995 - 105,186 people became ill with malignant neoplasms (including 49,759 women). This amounted to 272.6 cases per 100,000 population.

Injury and poisoning

264. External causes of injury and poisoning were the major causes of death amongst men in the 1-45 and women in the 1-35 age group. A considerable proportion of deaths were caused by road accidents - about one quarter amongst men and one fifth amongst women (one of the highest in Europe). In 1995, 6,900 people died in 56,904 accidents, as many as 40 per cent of them pedestrians. There were almost 10 times as many injured. In 1995, 5,499 people died as a result of suicide. Out of the total number of people admitted to hospital, 14 per cent of men and 6 per cent of women were treated for injury or poisoning. In 1995, 34,436 cases of food and 9,678 cases of chemical poisoning were reported; in 1996, 29,296 of food poisoning and 10,376 of chemical poisoning; in 1997, 8,900 cases of chemical poisoning (23 cases per 100,000) were reported.

Non-infectious diseases of the respiratory and digestive systems

265. Those were the causes of every fifteenth death in the reporting period. However, a steady drop in mortality has been taking place. The prime cause of death due to diseases of the respiratory tract amongst men was chronic pulmonary embolism (including asthma) and amongst women it was pneumonia. As for diseases of the digestive system, the biggest killer for both sexes was cirrhosis. These diseases accounted for a quarter of hospitalization cases amongst men and a fifth amongst women. In terms of the diseases of the respiratory system the main cause of hospitalization was pneumonia, and as for diseases of the alimentary system it was inguinal hernia in men and cholelithiasis in women.

Infectious disease

266. Since the early 1990s preventive vaccination and the general advances made in health care and living conditions have brought about a systematic fall in the incidence of typical infectious diseases (for pneumonia, it was the mid-1990s). The following infectious diseases have been registered according to data for 1966:

- Tuberculosis - 39 cases per 100,000 population (a total of 15,358 cases);
- Viral hepatitis - 47.8 cases per 100,000 population (a total of 18,456 cases);
- Diphtheria - practically 0 cases per 100,000 population (a total of 9 cases);
- Tetanus - 0.1 per 100,000 (a total of 46 cases);
- Whooping cough - 0.9 per 100,000 (a total of 330 cases);
- Poliomyelitis - none;
- Measles - 1.7 per 100,000 (a total of 639 cases).

267. In 1997 the following results were reported (data for tuberculosis were unavailable for 1997):

- Viral hepatitis - 27.7 cases per 100,000 (a total of 10,715 cases);
- Diphtheria - none;
- Tetanus - 0.1 per 100,000 (a total of 37 cases);
- Whooping cough - 5.4 per 100,000 (a total of 2,092 cases);
- Poliomyelitis - none;
- Measles - 0.9 per 100,000 (a total of 338 cases).

268. Following a temporary sharp rise in the incidence of viral hepatitis (as many as 30,276 cases in 1995) 1996 has seen a fall in the incidence of this disease. Viral hepatitis leads to chronic inflammation, cirrhosis and cancer of the liver. The incidence of diphtheria and polio has been on the wane. Tetanus has been all but eliminated. The increased incidence of whooping cough was temporary. In terms of the HIV virus, the scale of the phenomenon was much smaller than in many Western European nations or North America. In the years 1985-1998, 4,990 Polish nationals were infected with the virus (although unofficial estimates put the figure at 12,000 up to the mid-1990s); 3,267 were infected through the use of drugs; 606 cases of AIDS have been reported (according to detailed registration figures, 114 persons contracted AIDS in 1995 and 105 in 1996). Up to 1997 the total number of deaths from AIDS in Poland was 359. All major Polish cities provided treatment for the disease in 11 specialist centres. The AIDS Diagnostics and Therapy Centre treated about 250 patients, half of them taking advantage of the Ministry of Health and Social Welfare budget funds. The other centres were financed by regional voivode budgets.

Occupational diseases

269. There has been an upward trend for the past 20 years. The number of cases in the reporting period was as follows: 11,320 in 1995, 11,318 in 1996, 11,685 in 1997 and 12,017 in 1998. See also tables 15 and 16 in section II.

Disabilities

270. The 1996 estimates of the National Health Programme put the number of people over the age of 15 with disabilities at about 5.1 million (about 13 per cent of the population). Roughly a third of the cases occurred between the ages of 40 and 50; about 5 per cent of disabled persons were born with disabilities or incurred them in the first year of life. About 60 per cent of disabilities were caused by diseases of the locomotor system or diseases of the circulatory system, and about 13 per cent by injury.

Dental caries and parodontopathy

271. Over 90 per cent of children and 98 per cent of adults suffered from dental caries; 50 per cent of 12-year-olds and 92 per cent of adults up to the age of 45 were affected with parodontopathy. An advanced phase of dental caries was reported in 60 per cent of 12-year-old children. Serious diseases of the parodontium affected 15 per cent of adults up to the age of 45. Dental caries and their consequences were the main cause of an early loss of dentition. It is difficult to speak of noticeable improvement in this area.

Mental health, alcoholism, pharmacomania, drug-addiction

272. In Poland in the reporting period about 15-25 per cent of the population suffered from mental disorders, and about 10-20 per cent of children and young adults required psychological-cum-psychiatric care. In 1996 over 658,000 persons were registered in psychiatric out-patient clinics, of whom 182,000 were registered for the first time (this marks an increase of 6,536 cases over 1995). Likewise, 182,601 new cases of mental disorders and neuropathies were registered in 1996 (176,065 in 1995). In 1997 psychiatric out-patient clinics had

664,000 patients, for the first time recording a drop in new cases as compared to 1996 (178,206). In 1996 psychiatric in-patient health-care facilities for the first time treated around 62,000 patients (a drop of 2,401 over the year 1995). A total of 103,000 patients were registered in anti-addiction out-patient clinics in 1996 (37,365 new patients, 1,929 less than in 1995) and 113,000 in 1997 (44,000 new patients). In 1996 drug dependence clinics registered 1,517 new patients (a drop of 310 over 1995). The number of drug addicts registered for the first time in 1996 was 1,653 (1,657 in 1995). This was the number registered in psychiatric out-patient clinics, anti-addict out-patient clinics and out-patient clinics for drug addicts (excluding out-patient clinics and consultation outlets run by the MONAR social organization). The number of first-time patients treated in hospitals for drug dependency rose by 13 per cent. Psychiatric out-patient clinics in the Krakowskie, Nowosądeckie, Chełmskie and Przemyskie regions have been ranked at the top in terms of the number of cases registered. The largest number of first-time patients were admitted to psychiatric in-patient facilities in Leszczyńskie, Suwalskie and Łódzkie regions. In January 1995 the Act on the protection of mental health came into effect and the Mental Health Protection Programme was adopted by the Ministry of Health and Social Welfare.

Mortality

273. The mortality rate declined systematically. In 1995, 386,100 deaths were reported, in 1996, 385,500 and in 1997, 380,200 (202,000 males and 178,200 females, a fall of about 2,000 deaths among both sexes). In 1998 a total of 375,300 deaths were registered. This means that per 1,000 population the number of deaths fell: 10.2 in 1995, 10.0 in 1996, 9.8 in 1997 and 9.7 in 1998. There was excess mortality among males (ranging from about 12 per cent in the 1-4 years age group to about 300 per cent in the 20-24 age group). Mortality has fallen in all age categories, with the exception of the most senior citizens and girls in the 5-9 age group, whose mortality rate has gone up. For the past several years the major cause of death has been disease of the circulatory system (503.2 deaths per 100,000 population in 1996), malignant neoplasms (203.7 per 100,000 in 1996), injury and poisoning (70.5 per 100,000 in 1996). Deaths due to infectious diseases were rare: in 1996 in the 0-19 age group there were 4 deaths on account of tuberculosis and 1 caused by whooping cough (a total of 5.9 deaths due to infectious disease per 100,000). Since 1994 total mortality and excess male mortality have been higher in rural areas than in urban ones in nearly all age groups (although the infant mortality rate towards the end of the reporting period was lower in rural areas). Since 1979 mortality rates among females in urban areas have been higher than in rural areas. The opposite was true for girls in the 1-19 age group and the oldest females. Children in the 1-4 age group in rural areas had a higher mortality rate than their counterparts in urban areas (26 per cent more deaths). The biggest killers among inhabitants of rural areas were diseases of the respiratory system, injury and poisoning for males (including road accidents - an increase of almost 70 per cent and suicide - an increase of almost 60 per cent) and for females, hypertension (an increase of 35 per cent) and atherosclerosis (an increase of about 15 per cent). Deaths in urban areas were mostly attributed to diseases of the digestive system (a rise of about 40 per cent, and an almost twofold increase in deaths caused by cirrhosis), malignant neoplasms and infarctus. The highest mortality rates amongst males were recorded in the Łódzkie and Jeleniogórskie regions and amongst females in the Łódzkie, Wałbrzyskie and Katowickie regions. The lowest mortality was recorded in Łomżyńskie and Rzeszowskie. The lowest death rates for males alone were recorded in Krośnieńskie and for females in Białostockie.

B. National health policy: the requirements of the World Health Organization in regard to primary health care

274. In general the right to health protection was guaranteed by article 68 of the Constitution of 2 April 1997. Paragraph 2 says: "Equal access to health-care services financed from public funds shall be ensured by public authorities to citizens, irrespective of their material situation ...", while paragraph 3 states: "Public authorities shall ensure special health care to children, pregnant women, handicapped people and persons of advanced age". Below is a list of all major health protection programmes.

National Health Programme (NHP) for the years 1996-2005

275. The NHP has been implemented since 1990 on the basis of the WHO strategy: "Health for all by 2000" (see previous report). The third version adopted by the Government on 3 September 1996 was open to modification. According to the NHP, health is "a state of good physical, mental and social well-being, and not merely the lack of disease or disability", in accordance with the WHO definition. It is "the capacity to perform social roles, coping with the changes in the environment". It follows from the WHO strategy adopted by Poland that health is a value which facilitates the realization of aspirations, a resource which guarantees development and a means of improving the quality of life. It needs to be protected (prophylaxis), improved (promotion) and restored (treatment and rehabilitation). These activities require: peace, economic stability, the regeneration of natural resources, global and local security, housing, food, education, wages, justice and social equality. Health is affected by the following: lifestyle (50-60 per cent), environment (ca. 20 per cent), genetic factors (ca. 20 per cent) and the health service (only 10-15 per cent). What is most important in the NHP is promotion, increasing one's control over one's health and improving it by taking the right decisions. Health promotion covers five areas: health policy, healthy environment, encouraging people to take care of their health, developing individual skills which would be of benefit to our health, and a reorientation of the health service.

276. According to the NHP the main health hazards are as follows:

- Not enough physical exercise: 30 per cent of children, 70 per cent of young people and 90 per cent of adults;
- Inappropriate diet with too much animal fat, salt, not enough milk, vegetables, fruit and whole wheat bread; irregular and insufficient meals - especially children and young people; too few infants were breastfed;
- Tobacco smoking (in 1995, 47 per cent males and 23 per cent females, but the numbers were falling);
- Excessive alcohol consumption (an average annual per capita consumption of approximately 10 litres of pure spirit), 600,000-800,000 people addicted to alcohol, about 2-3 million drink excessively, and a growing proportion of young people taking to drink;

- 3-8 per cent of young people have tried drugs, 0.3-0.8 per cent became drug addicts and both of these figures were on the increase;

- Social hazards - a fall in real income; certain groups were becoming impoverished (although unemployment continued to fall throughout this period, up to August 1998) and other groups were becoming wealthier; low investments in education and culture; pathologies;

- Environmental hazards.

277. The NHP focuses on health problems, the health disparity between the sexes, as well as disparities in health associated with the place of residence. Improvement of health and the population's quality of life is the NHP's strategic goal. Its "operational" goals are listed below:

1. Increasing the population's physical activity.

2. Improving dietary habits and the quality of food.

3. Combating tobacco smoking.

4. Curbing and changing the structure of alcohol consumption and alleviating the harm to human health.

5. Reducing the use of psychoactive substances.

6. Increasing the effectiveness of health education and health promotion.

7. Promoting mental health and preventing mental disorders.

8. Reducing exposure to harmful agents in the living and working environment.

9. Improving sanitation across the country.

10. Reducing the number of accidents, notably car accidents.

11. Increasing the efficiency and effectiveness of first aid in emergency and danger to life.

12. Increasing access and effectiveness of primary health care.

13. Preventing the occurrence and consequences of premature births and the low birth-weight.

14. Improving early diagnosis and care of those affected with ischaemic heart disease.

15. Improving early diagnosis and treatment of malignant neoplasms of the cervix and breast.

16. Creating conditions enabling a return to active life for people with disabilities.

17. Improving the effectiveness of infectious disease prevention.

18. Intensifying the effectiveness of treatment of dental caries and parodontopathy amongst children, young people and pregnant women.

278. The NHP operational goals stated above prompted the following guidelines, valid through 1995-1998 and afterwards:

- Re 1: up to five classes of physical education (PE) a week, gym halls in 75 per cent of schools, new PE teachers;

- Re 2: a minimum of 30 per cent of infants to be breastfed, school meals for 50 per cent of pupils, reducing the level of fat and cholesterol, increasing consumption of milk, cereals, pulses, vegetables, fruit, reducing the intake of salt, promoting education, counselling and food control, certified and ecological food;

- Re 3: reducing tobacco consumption by 25 per cent as compared to 1995, increasing the proportion of non-smoking males up to 60 per cent and females up to 80 per cent, enforcing regulations, fighting smoking in schools, health-care facilities and public places, a ban on advertisements, increasing the price of cigarettes and reducing the content of harmful substances in tobacco;

- Re 4: reducing alcohol consumption by 10 per cent per capita as compared to 1995, reducing the share of alcoholic beverages with high alcoholic content by 20 per cent as compared to 1995, reducing the harm done to health and drinking-related mortality, reducing teenage drinking by 20 per cent as compared to 1995, enforcing the law, curbing access to alcohol, stepping up market controls, improving prophylactics, therapy, education and the environment of mutual help;

- Re 5: curbing the rising demand for and access to psychoactive substances; implementing laws, school education, prophylactics via the mass media; providing teaching personnel, detoxification, treatment and rehabilitation;

- Re 6: health education, HIV prophylaxis and sexual education in school curricula, using the mass media, institutional back-up for health promotion, increasing the ranks of competent people through under- and post-graduate education, "habitat" programmes (such as: healthy city, healthy commune, school, workplace, etc.), counselling;

- Re 7: new legal and economic foundations for developing institutions and local initiatives in support of the family, educating for the protection of mental health, increasing the number of prevention and counselling facilities, enabling parents to gain knowledge about their children and their psyche, helping families and groups requiring assistance, self-help and NGOs;

- Re 8: reducing SO_2 emission down to 2 million tons per annum, reducing nitrogen oxide emissions, reducing untreated sewage by 15 per cent as compared to 1995 and exposure to noise by 25 per cent as compared to 1995, developing the programme "Environment and Health", continuation of the programme "Safety and man's health-protection in the working environment", preventing environmental poisoning consequences, monitoring, eliminating numerous outdated technologies, modernizing other technologies, ecological heating systems in cities, (gradual) phasing out of leaded petrol and cars without catalytic converters, sewage treatment, putting up acoustic screens, ecological education, detecting ionizing and non-ionizing radiation, waste utilization and reducing waste incineration;

- Re 9: eliminating many facilities in a bad state of repair in terms of technology, a market of cheap cleaning and washing agents, technological standards of removing, storing and utilizing wastes in keeping with European Union standards, sufficient number and condition of public toilets, making the system of sewage neutralization more efficient, bringing health-care facilities and educational institutions up to the appropriate sanitary standards, tightening sanitation criteria in public facilities;

- Re 10: reducing the number of accidents and casualties, including the number of fatalities, by 20 per cent as compared to 1995, enforcement of traffic regulations, stepping up police speed controls, increasing number of speeding bans in cities, upgrading driving skills, introducing a "trial" driving license and one "with an accompanying person" for young drivers, reducing the number of car accidents related to drunken driving, disseminating first aid principles, safety measures in vehicles, modernizing pedestrian crossings, constructing numerous ring roads, intensifying health and safety training, reducing the number of work-place accidents by 50 per cent as compared to 1995, establishing a National Centre for the Prevention of Accidents;

- Re 11: lowering mortality of accident victims within an hour of the injury, cutting to a maximum of 15 minutes the time necessary for reaching casualties, medical emergency service bill, first-aid teaching programmes in primary schools, adding emergency services to the tasks of the fire department, police and ship salvage, upgrading medical air transport and the ambulance service, as well as public health-care facilities, specialist cardiological telephone hotline;

- Re 12: the family doctor as an institution, transferring primary health-care facilities to local self-governments, contracting medical services through the Health Insurance Funds, training about 2,500 doctors in the "residential" system and about 1,200 in the "short path" mode in family medicine, further training of nurses and midwives, switching the system of financing primary health care from a supply- to an insurance-type system, in keeping with the reform mentioned above;

- Re 13: reducing the frequency of premature births and the occurrence of low birth-weight (under 2,500 g) to 5 per cent, perinatal mortality down to 11 cases per 1,000 births, upgrading diagnosis and treatment of the urinary and reproductive systems of pregnant women, cutting smoking among pregnant women to below 10 per cent, rationalizing diets of pregnant women living in poverty, reducing the rate of teenage pregnancies as well as the number of births to women above the age of 35 (by 20 per cent as compared to 1995), making pregestational care available to all, improving diagnosis and active care of pregnant women threatened with giving birth prematurely, improving care of premature babies;

- Re 14: increasing the detectability of arterial hypertension at the level of primary health care by a minimum of 2 per cent annually, making non-pharmacological and early treatment of the disease more available in outpatient clinics, a wider assessment of body fat content in blood, introducing an appropriate diet or drugs, expanding analytical methods used in regional laboratories to include methods of defining body fat;

- Re 15: reducing the mortality rate of neoplasms by 10 per cent as compared to 1995, propagating examination skills, increasing the rate of pre-invasive diagnosis by 2 per cent annually, increasing the rate of cytological cervical smear tests up to the age of 60 by a minimum of 2 per cent annually, setting up screening centres for breast cancer at the regional branches of the Institute of Oncology propagating cytological tests among females in the 18-60 age group;

- Re 16: removing numerous barriers from town-planning, architecture and transport, concern for orthopaedic and other types of equipment and the education of the disabled (integration classes, retraining), protection at the time of employment, sheltered labour and the adaptation of the workplace, assisting families of disabled persons, proper social attitudes towards the disabled, assisting local self-governments and NGOs, reforming disability certification, improving rehabilitation conditions;

- Re 17: introducing vaccination against parotid gland inflammation coupled with a vaccine against measles and rubella, performing vaccination on all risk groups against hepatitis virus B, increasing efficiency by up to 90 per cent of tuberculosis detection and treatment, lowering infection through blood within the framework of the "Preventing and Counteracting AIDS Programme", eliminating food poisoning (hygiene, education), ecological techniques of medical equipment sterilization and food preservation, compulsory vaccination against diphtheria;

- Re 18: teaching children and pregnant women about the health of the oral cavity at 50 per cent of primary health-care facilities at the minimum, increasing by 25 per cent as compared to 1994 the proportion of pupils covered by fluoride exogenous prophylaxis, including at least 60 per cent of children in the 6-8 years age group in the process of fissure sealing of the first permanent molar teeth and polishing of smooth teeth, brushing teeth after meals in nurseries, infant schools, sanatoriums, orphanages and at summer camps.

279. Following the WHO slogan "think globally, act locally", the NHP was addressed mainly to self-governments, local communities and NGOs. It complied with WHO requirements in the area of primary health care, devoting a lot of space to it. The administration was responsible for creating the conditions, stimulating the activity, setting up the legal framework, financing research and performing many other tasks and auditing and assessing results. The realization of the NHP was not expected to affect the budget, nor were any other additional funds earmarked for this purpose.

Central health programmes financed from the Ministry of Health budget

280. All newborns have been undergoing screening examinations for hypothyreosis and phenylketonuria. "The perinatal care improvement programme" has been implemented within the NHP since 1995. 1996 marked the start of a genetic examinations' programme for detecting fibrocystic disease. Twenty per cent of newborn babies were screened in 1998. The range was to be expanded. A pilot screening and registration of innate metabolic deficiencies was being carried out. Since the early 1980s children with hypopituitarism were being given the growth hormone free of charge (financed from the Ministry budget). The preventive vaccination programme has been widened in the 1990s. In 1998 children were vaccinated against: tuberculosis, hepatitis B, diphtheria, tetanus, whooping cough, polio, measles and rubella.

New mental health regulations

281. The Act and programme mentioned in section A complemented each other and were aimed at a radical overhaul of the psychiatric care system. Many years of communist neglect and the public's problems with adjusting to a new reality made it an extremely important issue which called for urgent action. The Act included provisions on social assistance and custodian courts as well as other areas of the health service, especially primary health care. The provisions of the act set three different types of strategic goals:

(a) Promotion of mental health, preventing mental disorders, developing the right attitudes towards people with disorders;

(b) Providing care and other forms of assistance to people with mental disorders. Notably, a new model of care, making the voivodes responsible for setting up psychiatric hospitals and social welfare facilities, providing mentally disabled children with education and rehabilitation, social support for people with psychic disorders, cost-free health benefits, the commitment of the Ministry of Health and Social Welfare to develop a network of psychiatric facilities, the commitment of the Ministry of Labour and Social Policy to develop a network of social welfare homes and community self-help homes (10 years after the Act came in force);

(c) Protection of civic rights of people with psychic disorders - a review of the patient's rights on the basis of the laws, new regulations governing the patient-doctor relationship (professional secrecy, patient's consent, etc.), the rights of patients treated in hospitals without their consent, system of administrative and medical guarantees, security of court proceedings and court-supervised guarantees.

282. The Mental Health Protection Programme is the first stage in the implementation of the provisions of the first chapter of the above-mentioned Act. It was a joint effort on the part of experts from the Institute of Psychiatry and Neurology, the WHO European Bureau, the Ministry of Health and Social Welfare, experts from the Polish Psychiatric Society and psychiatrists. The programme covered:

(a) Diagnosis of the situation (no significant changes in the total number of patients, although an increase in the incidence of disease has been reported on account of consumption of alcohol and psychoactive substances, suicides, drug addiction and HIV infections);

(b) A review of promotion, prevention, treatment and rehabilitation;

(c) Promotion and first-degree prevention programme;

(d) A fundamental health care and social assistance programme for people with disorders (new legislation was needed in order to improve the quality and accessibility of psychiatric care and improve the quality of primary health care, including amending the undergraduate training programme, expanding the training of primary health care doctors to include skills for identifying and treating mental disorders of the non-psychotic type, increasing the number of personnel and upgrading their education, improving the accessibility of treatment by setting up psychiatric wards in general hospitals, restructuring hospitals, developing regional centres of forensic and teenage psychiatry and centres for treating neurosis, increasing the share of social assistance, developing community self-help homes);

(e) Planned research studies.

283. In general, the idea was to reconstruct the model of psychiatric help, moving away from large hospitals to intermediate forms. Both the act and the programme brought Poland closer to European Union standards and other international regulations. The implementation was to take 10 years to complete.

National programme for prevention of HIV infection and care for persons infected with HIV and those suffering from AIDS

284. The programme has been approved by the Government with view to fighting discrimination against people infected with HIV and AIDS sufferers, wide-ranging social education and collaboration with the media. The programme covers the following policies:

- Human rights and the rights of HIV/AIDS patients;
- Improving the way people suffering from HIV/AIDS are treated;
- Shaping the right social attitudes towards the problem of HIV/AIDS;
- Collaboration with the mass media in the above-mentioned areas.

285. Entities responsible for the realization of the programme: Ministry of Health and Social Welfare, Ministry of National Education, Ministry of Justice, Ministry of Labour and Social Policy, Ministry of National Security, Ministry of Internal Affairs and Administration, as well as the Chairmen of Polish Television and Polish Radio. At the regional level, appropriate entities subordinated to the Ministry of Health and Social Welfare are responsible.

C. Percentage of GDP and national and local budgets allocated to health care

Table 35. Public expenditure on health care in the years 1988-1998

	1988	1995	1997	1998
Percentage GDP	3.4*	4.5**	4.3	4.0
Percentage national budget	13.0	14.4	15.0	15.0
Percentage local (gmina) budget	data unavailable	7.6	6.1	6.1

Source: Main Statistical Office, Ministry of Health, Ministry of Finance.

* Data from 1989.

** Data from 1994.

286. The volume of health care expenditure for a given year was defined by the Polish Sejm in the budgetary act. Primary health care did not form a separate entry in the classification of budgetary expenditures. Funds for this purpose were assigned in the budgets of individual voivodes.

D. Health indicators

1. Infant mortality

287. In comparison to the last report a considerable improvement has taken place. For 1990 the mortality rate was 19.3 per 1,000 births. In 1994 Poland adopted WHO definitions of abortions, births, mortality of foetuses, infants and mothers. In 1995, 5,891 deaths were recorded, a drop of 1,393 as compared to 1994; the rate dropped from 15.1 in 1994 to 13.6 in 1995 (according to GUS and the 1996 Government Population Commission report "Demographic situation of Poland"). According to GUS and the State Hygiene Institute ("Health Situation of the Population of Poland in 1996") the rate dropped from 13.6 in 1995 to 12.2 in 1996. There was a total of 428,203 live births in 1996. In the light of GUS statistics the rate fell to 10.2 in 1997, and to 9.5 in 1998. Thus, we were ahead of the National Health Programme targets, and specifically, the "Perinatal Care Improvement Programme" which set the target for lowering infant mortality by 10 points by the year 2000.

288. Mortality also depended on the age and body weight of the infant. It peaked in the first 27 days of life (74 per cent). It was, among other facts, the outcome of premature birth, developmental anomaly and infection. Mortality rates in the first week after birth were two

times higher than in the following weeks; over 50 per cent of deaths were caused by disease contracted in the perinatal period and 25 per cent by innate developmental anomalies. In 1996 the highest mortality rates were recorded in the Radomskie region (15.5 per 1,000 population), the lowest in Leszczyńskie (7.8). The number of voivodeships with a rate below 10 increased from one in 1995 (Piotrkowskie voivodeship) to six in 1996 (Kaliskie - 9.9, Koninskie - 9.8, Krośnieńskie - 7.9, Leszczyńskie - 7.8, Sieradzkie - 8.9 and Zielonogórskie - 9.4). In six other voivodeship the rate was 10.0-10.5 (Bialskopodlaskie - 10.3, Krakowskie - 10.5, Olsztyńskie - 10.2, Piotrkowskie - 10.2, Siedleckie - 10.1, Skierniewickie - 10.2). The highest mortality rates were recorded in the following voivodeships: Wrocławskie - 14.5, Jeleniogórskie - 14.7, Ciechanowskie - 14.6, Włocławskie - 13.9 and Radomskie - 15.5. The average life expectancy of a male newborn (in 1996) was about 68.1 years and for a female, about 76.6, an increase of 0.5 years for men and 0.2 years for women. The difference in infant mortality rates between urban and rural areas diminished. In fact, a new development occurred: infant mortality in urban areas became higher than in rural ones (in 1990 - 19.1 and 19.7, respectively, but in 1995 it was already - 13.7 and 13.5 and in 1998 - 9.7 and 9.4).

2. Number of people with access to drinking water

289. The Main Statistical Office (GUS) puts the number of people using water from public water-line systems at about 91.2 - 91.3 per cent of city dwellers (the grand total was 23,925,000 as at 31 December 1997). In 1995, water complying with health and sanitation standards set down in the Regulation of the Minister of Health and Social Welfare of 31 May 1997 on the conditions to be met by drinking and industrial water (Journal of Laws, No. 18, item 72; amendment: Journal of Laws 1990, No. 35, item 205) was supplied by 91.1 per cent of public water lines, in 1997 by 92.2 per cent. The data quoted above reveal that in 1995 about 19.8 million inhabitants used water complying with sanitation standards and in 1997, about 20.1 million. In 1998 the proportion of water lines with "good" water went up by 1.6 per cent (up to 94.6 per cent). The years 1995-1998 saw public water-line systems develop intensively in rural areas. This is why the number of small facilities supplying water for public consumption went down (e.g. local and company water lines, public, company and household wells), especially facilities supplying substandard water. The Sanitation Inspectorate data point to the fact that over 77 per cent of facilities supplying water to the public, under the inspection of sanitary-epidemiological stations, were located in rural areas.

290. To give a complete picture of the situation, a short general profile of water purity in Poland is still required. In the light of data for 1996, according to the physico-chemical criterion, 4.8 per cent of the controlled river stretches were in class I, 23.7 per cent in class II, 38.7 per cent in class III and 32.8 per cent outside class. According to the biological criterion, 0.1 per cent was in class I, 2.6 per cent in class II, 13.4 per cent in class III and 83.9 per cent outside class. In 1997, according to the physico-chemical criterion, 1.8 per cent of the controlled river stretches were in class I, 24.9 per cent in class II, 42.4 per cent in class III and 30.9 per cent outside class. According to the biological criterion, 0.1 per cent was in class I, 3.1 per cent in class II, 12.3 per cent in class III and 84.5 per cent outside class. There has been a slight improvement in the quality of the Wisła and Odra rivers and their basins, however there was no substantial change for the better in the high level of river pollution.

Over 400 new waste-water treatment plants were being put into operation each year. A notable improvement in water quality is expected after all the major cities install new treatment plants. According to data for 1966, out of the 134 lakes inspected only 2 were of class I quality, and 37 per cent of the volume of lakes were of class III and outside class. Pollutants were being discharged directly into 42 lakes. Although out of the 115 lakes controlled in 1997, 6 (an improvement of 4 over previous years) were in class I, but 42 per cent of the controlled lakes were of class III and outside class, and 30 lakes had pollutants discharged into their waters. In 1997, 52.5 per cent of underground water was in class I, 12.6 per cent in class II and 34.9 per cent in class III. Only 46.2 per cent of groundwater was in class I, 8.2 per cent in class II and 45.6 per cent in class III.

Table 36. Sanitary evaluation of controlled waterworks and wells, as at late 1998

Specification	Urban areas		Rural areas	
	Unsure quality %	Bad quality %	Unsure quality %	Bad quality %
Waterworks				
- public	4.0	1.4	5.4	2.8
- company	5.9	3.2	10.4	7.4
- local	6.4	10.0	7.5	13.3
Public wells	25.8	37.2	23.0	32.2
- company	11.9	19.6	10.8	19.3
- household	6.7	50.5	7.3	57.3

Source: Data of the Main Statistical Office

3. Number of people with access to a sewerage system

291. According to GUS, 82.1-82.3 per cent of the urban population, in other words 19.6-19.7 million people, had access to the combined sewerage system in the years 1995-1997. Rural areas were not included in that particular survey. The 1996 GUS estimates (in reference to the agricultural census results) put the number of Poles with access to a combined sewerage system at 54 per cent (in the cities and in rural areas). Putting it differently we can say: out of 870 cities 822 had a sewerage system in 1997 (a sizeable advance over the previous report). In 1995 a total of 75.7 per cent of dwellings (urban and rural areas taken together) had access to a sewerage system as well as a lavatory and a bathroom, 14.5 per cent of all dwellings had access to a sewerage system only and 9.8 per cent had no sewerage system at all. In 1997, 79 per cent of all dwellings had a sewerage system, a lavatory and a bathroom; only 9 per cent had no sewers. There are no data on the number of people in dwellings with sewers (roughly, an estimated 90 per cent of the population, a much higher figure than the proportion of population with access to a combined sewerage system - 54 per cent in 1996 - see above). The vast majority of the remaining 10 per cent lived in old houses in the countryside, sometimes in towns (mainly small towns or large cities in neighbourhoods which had not been destroyed in the Second World War). As projected by GUS, the next statistical survey covering this area of study would be carried out within the next population census in 2002.

4. Number of children immunized against diphtheria, whooping cough, tetanus, measles, poliomyelitis and tuberculosis

292. Protective vaccination in Poland has been performed for the last several decades based on a regularly updated vaccination schedule. The degree of the immunity conferred in each age group (children and teenagers) was evaluated under a scheme of scrupulous vaccination inspection. For years Poland has had a very high vaccination rate. In the years 1995-1997 over 95 per cent of the total number of children in each age group were immunized against the diseases mentioned above. For some diseases the vaccination rate for children above the age of two did not exceed 98 per cent. Information concerning the number of children vaccinated in a given age group has not been gathered in Poland, nor was a male/female or urban/rural breakdown of the data done.

Table 37. Percentage of children vaccinated in 1995-1997

Specification	1995	1996	1997
Diphtheria/tetanus, 2-yr-olds (primary vaccination)	96.0	96.9	97.8
Diphtheria/tetanus, 3-yr-olds (second vaccination, basic, full)	90.5	91.7	93.3
Diphtheria/tetanus, 7-yr-olds (booster dose I)	93.4	94.3	94.9
Diphtheria /tetanus, 15-yr-olds (booster dose II)	97.4	97.6	97.8
Whooping cough, 2-yr-olds (primary)	95.6	96.6	97.5
Whooping cough, 3-yr-olds (basic, full)	90.0	91.3	93.0
Measles, 3-yr-olds (primary vaccination)	96.1	96.7	96.9
Measles, 8-yr-olds (booster vaccination)	88.8	93.6	95.5
Tuberculosis - newborns (BCG)	98.1	96.9	96.4

Source: Data of the Main Statistical Office.

The vaccination rate against polio was similar. The overall vaccination rate for 1998 was similar to that for the years 1995-1997.

5. Average life expectancy

293. The average life expectancy in urban areas was higher than in rural areas. Life expectancy among males in urban areas was higher than in rural areas (68.7 and 68.0), the reverse was true for women (76.8 and 77.3). In 1995 the average life expectancy for males was 67.6 years (women -76.4 years), in 1996, 68.1 (women - 76.6), and in 1997, 68.5 (women - 77.0). The upward trend for both genders which began in 1991 has continued through 1998. These phenomena were also linked to excess male mortality. On top of this, the western and central parts of Poland have been recording a shorter average lifespan than the rest of the country.

6. Percentage of people with access to primary health care within an hour's walk or travel

294. The basic health services in Poland were provided in urban areas by district outpatient departments (there were 1,896 of them in 1997) and in rural areas by health centres (3,324 in 1997). A network of these facilities covered the whole country and provided the people with access to services within an hour's walk or travel. These facilities employed about 16,000 medical doctors in the cities and about 5,930 doctors in rural areas (1997). In addition they employed nurses and midwives. District outpatient clinics and health centres were stocked with the necessary medication to provide immediate medical assistance in life-threatening emergencies.

7. Proportion of pregnant women having access to trained personnel during pregnancy and proportion attended by such personnel for delivery; female perinatal mortality rate

295. All pregnant women had full unhampered access to trained medical personnel (100 per cent); medical services provided by outpatient clinics for women were free of charge. The percentage of women attended by trained medical personnel was 99 per cent. The maternity mortality rate in Poland was calculated including before and after childbirth together. The maternity mortality rate in 1997 due to complications of pregnancy, childbirth and the puerperium was 11.2 per 100,000 live births. In 1995, 57 women died of the same causes, and in 1996 only 36.

8. Percentage of infants having access to trained personnel for care

296. The answer has not changed since the previous report (where we had explained the meaning of the term "care personnel" in Polish nomenclature). All infants (100 per cent) have access to qualified medical care, nurses and midwives, in other words, to trained medical personnel.

E. Groups and regions whose health situation is significantly worse than that of the majority

297. It transpired that the health of the people varied according to their social status. Poor communities registered higher infant mortality, slower child development rates, excess mortality of physical labourers. The differences were also evident in terms of injuries and poisoning, often related to the lack of knowledge and capabilities. It was difficult, however, to single out a group which was notably worse off than the other groups. Varying mortality rates in individual voivodeships were related to geographical area. A higher mortality rate and shorter life span existed in western and central parts of Poland rather than the eastern parts.

298. According to the Ministry of Health and Social Welfare, areas which were worse off in the years 1995-1998 with regard to the health of their populations included the following: the region of Łódź, Górny Śląsk, Dolny Śląsk and Pomorze Zachodnie. The data presented by the State Environmental Inspectorate for 1995 reveal an improvement in the threatened regions: Łódzkie, Bydgoskie, Legnickie, Skierniewickie, and Piotrowskie. The biggest challenge to the

environment was in Katowickie and Wałbrzyskie. The best situation was in the north-eastern and south-eastern parts of Poland. The threat to life in the voivodeships with the highest mortality rate was 20 per cent higher than in voivodeships with the lowest death rate. In 1996 the highest incidence of mental disease was registered in mental clinics of the following voivodeships: Krakowskie, Nowosądeckie, Chełmskie, Przemyskie, Leszczyńskie, Suwalskie and Łódzkie.

1. Changes in policies and legislation adversely affecting the health situation of these groups and areas

299. There were no such changes. The NHP, like the other health programmes mentioned, was aimed at levelling out the differences in the health situation between the worse- and better-off voivodeships, between urban and rural areas, and between the poor and the rich inhabitants of the country. Furthermore, no industries harmful to the environment were developed after 1989 and a major part of the existing ones were closed down or beaten by the competition.

2. Measures considered necessary to improve the health of disadvantaged groups or areas

300. Both the NHP and other programmes described in detail in this part of the report, contain a lot of information on this issue. For further information, see paragraphs 301-310 below.

3. Government measures for levelling out the discrepancies cited above; action schedule, implementation assessment

301. In order to bridge the gap between the health status of Polish nationals and that in European Union States it was necessary to step up efforts on the part of the Government and NGOs. The National Health Programme, described above (sect. B), approved for implementation by the Government in 1996 was derived from the "Health for all" strategy adopted by the World Health Organization. It was focused on drawing many sectors of the administration into the implementation of the programme - from the central level down to local authorities and NGOs. NHP was designed to fulfil the tasks related to health promotion and disease prevention, leading in turn to a reduction of the risk factors that cause disease. During a regional WHO conference in Copenhagen (September 1998) an amended version of 21 "Health for all" strategic goals was presented and approved for implementation in the twenty-first century. Those goals served as a recommendation directing the overall health policy of WHO member States. At least 10 of the "Health for all" goals mentioned found their way into the list of 18 operational goals adopted by NHP and mentioned in section B. They included, for instance:

- Reducing the incidence of non-infectious disease;
- Reducing the effects of injuries and poisoning;
- Reducing the adverse effects of alcohol, drugs and tobacco.

302. Among social goals we should mention that of equality of health between social groups, which has also been a strategic goal of NHP. The convergence between many of the 21 goals of the "Health for all" strategy and the 18 NHP goals pointed to the fact that Poland has indeed adopted the right course in its health policy.

4. The impact of the above-mentioned measures on the health of these groups/regions; successes and problems

303. The preceding sections contain a great deal of information. All the other aspects of this issue are presented below (they deal primarily with the health status of the rural population).

304. In the years 1995-1998 the hospitalization rate of people in rural areas was lower than in urban areas; there were, however, classes of conditions for which rural dwellers were admitted to hospital more often than people in the cities. The male population in rural areas was admitted to hospital on account of injuries and poisoning more often than the urban male population. Women in rural areas, on the other hand, suffered from complications of pregnancy, childbirth and the puerperium more often than women in the cities.

305. The Main Statistical Office sample study carried out in April 1996 has revealed that vast numbers of people suffer from rheumatoid arthritis and other arthropathies. The disability, assessed on the basis of perceived capacity to perform everyday activities, involved 38.8 per cent of the people suffering from this disease in Poland, i.e. 1,803,409 people. The biggest difficulties were experienced by members of rural communities. Persons unfit to perform their everyday chores were usually over the age of 55.

306. In the mid-1990s, in response to the limited access to medical rehabilitation in out-patient departments in rural areas, rehabilitation rooms were being set up in rural and communal health centres. In 1997 there were 357 rehabilitation rooms, up by 67 as compared to 1996.

307. The Agricultural Social Insurance Agency (KRUS), financed by the Agricultural Social Insurance Fund (FRUS), ran a programme of early rehabilitation that was implemented in six rehabilitation centres created by the Agricultural Social Insurance Agency.

308. The rural population was supplied with orthopaedic equipment and aid on a par with all the other insured, but only very rarely were they able to take advantage of rehabilitation in sanatoriums. In 1996, of over 5 million sick people and 800,000 hospital patients, 256,000 received treatment in a sanatorium. Most of those who did came from urban areas; the group of people to use the sanatoriums the least often were males from rural communities (only 2.2 per cent).

309. Farmers were most at risk from accidents at work since health and safety conditions at their farms were usually inadequate. Agriculture was one of the most accident-prone sectors of the national economy.

310. The overall health status of farmers resulting from their working conditions called for the development and implementation of new organizational and legal arrangements designed to improve farmers' health and safety at work, as well as provide them with universal prophylactic

care. The Institute of Rural Area Medicine in Lublin was commissioned by the Ministry of Health and Social Welfare to develop a concept of prophylactic care for farmers in regard to their working conditions. It adopted the following tenets:

1. The system should be universal.
2. Its basic rung should be based on rural and communal health centres.
3. It should be linked to the health and social insurance system.
4. It should not charge the farmers with the costs.
5. It should operate according to clear and transparent rules.
6. Its operation should be based on effective mechanisms.

5. Government measures aimed at reducing abortion, infant mortality and providing for the healthy development of children

311. Of the many government programmes pursued in this area the most important was "Improving maternity and childcare". The emphasis in this scheme was on reducing the already relatively low infant mortality rate (compare sec. D.1, above) and providing prophylactic and medical services improving the health and welfare of mother and child. The programme consisted of the following key elements: implementation of the "Improvement of perinatal welfare in Poland" programme (within the scope of NHP); screening tests of all infants in order to identify any innate hypothyroidism and phenylketonuria; genetic tests for detection of fibrocystic disease of the pancreas and phenylketonuria carrier state (on phenylketonuria, see also art. 9, sect. C.3, subsection "Health benefits"; art. 11, sect. B.4-5; art. 12, sect. A.1, subsection "Central health programmes ..."); the realization of the "Programme of primary prevention of medullary tube anomaly in Poland"; the so-called government procurement for children suffering from neoplastic diseases, somatotropin hypopituitatism, Turner's syndrome, Gaucher's disease and viral hepatitis. The idea behind the programme came from an urge to improve perinatal care through the setting up of regional and coordinated systems of care for pregnant women and their newborns. The system was to manage a network of centres working with each other in partnership, treat patients, consult, manage the flow of information, maintain and coordinate the transport of mother and infant and provide training. The basic tenet of the system was the fact that it had three levels of care. This was to guarantee its high quality and effectiveness as well as rational health care spending of public funds. Due to the three-tier perinatal care in Poland the tasks in delivering health services for pregnant women and infants were divided between the individual levels. Thus:

(a) First level - care for the physiologically normal pregnancy, childbirth, puerperium and the healthy infant, and also provided short-term care for any unexpected pathology;

(b) Second level - care for medium-degree pathology;

(c) Third level - care for the most serious pathology.

312. One of the most important elements of the operation of the three-level perinatal care system in Poland was to be the creation of intensive therapy bed units in all centres of the secondary level and intensive therapy wards caring for the infant in the tertiary level. A system of communication and transport between the various levels of care was to have provided the patient with equal access to a full range of services in obstetrics and neonatology irrespective of the patient's place of residence or income.

313. The emphasis in the "Improving perinatal care in Poland programme" was on lowering infant mortality to a rate below 10 per 1,000 live births by the year 2000 (see sect. D.1 above) and reducing the premature rate and the frequency of low-birth-weight infants. On top of this, the programme was aimed at reducing the number of children born with the adverse consequences of diseases sustained during pregnancy and the perinatal period (disability, long-term illness), which was to reduce the costs of long-term treatment and rehabilitation.

6. Environmental and industrial hygiene

314. In the years 1995-1998 the Ministry of Environmental Protection, Natural Resources and Forestry spent 8,968,800 zlotys on the ecological education of the public. It was primarily targeted at children, pupils, students, environment teachers, local self-governments, journalists, the medical profession, farmers, environment protection experts and customs officers. Among other things the Ministry financed the Minister's Award for outstanding achievements in environment protection, the organization of all-Polish ecological competitions, ecological movement meetings, scientific conferences and conferences for the general public, e.g. the National "Eko-Med" Congresses in Tarnów, papers from a conference under the auspices of the Ministry of Environmental Protection, Natural Resources and Forestry and the Polish Senate, entitled "Earth, the home of Man", the implementation of the programme "Clean River Wisła and the Przymorze Region", "The European Sea-Coast Observer", etc. The National Environment Protection and Water Management Fund on an annual basis co-financed various campaigns, for instance: "Cleaning up the World", "Remedies for Waste", "Biodegradable Wrappings Campaign", "Ozone Campaign", educational programmes for young people, i.e. "Clean Wisła River", "Passport to the Future", "Circle", "Air Pollution", "Dandelion", "Our environment - how to live in it", "The side of your river", "River valleys", or programmes targeted at adults, "Agriculture and the protection of water quality" and "Controlled organic food".

315. In the years 1995-1998 the Environmental Inspectorate performed its statutory tasks, such as:

- Supervision of the observance of the law in environmental protection and law-enforcement;

- Environmental research under the State Environment Monitoring (the following have been examined: surface and underground water, the waters of the Baltic Sea, the air, soil, forests, bio-diversity; physical agents examined: noise, ionizing radiation. The results were made public in periodical reports, communiqués and on the Internet);

- Disaster prevention;

- Counteracting the illegal import, export and transit of waste;

- International cooperation (research, exchange of information, joint disaster prevention on border waters, cooperation under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the Convention on the Transboundary Effects of Industrial Accidents, the Helsinki Convention on the Protection of the Marine Environment of the Baltic Sea Area).

316. The situation has improved in the six voivodeships quoted in the previous report as threatened (Bydgoskie, Legnickie, Łódzkie, Piotrkowskie, Skierniewickie and Wałbrzyskie) thanks to the following factors:

- Change in the number of economic entities;

- Setting up environmental protection facilities in existing plants;

- New investments in clean technologies.

317. As at the end of 1998 no new in-depth assessment of these areas had been made. As a result of the amendments introduced into legal acts, plans were made to verify the territorial emergency classification method. Research and comprehensive assessment was to follow the verification.

7. Government measures taken to prevent, treat and control epidemic, endemic, occupational and other diseases, etc.

318. In the 1990s food poisoning, infantile diarrhoea, and hepatitis A and B were endemic in Poland. These diseases spread via the alimentary tract (excluding hepatitis B). A special programme has been developed highlighting the supply of good drinking water and food, as well as waste disposal. The programme, in place for the past several years, proved quite effective in combating typhoid fever and paratyphoid fever. Only seven cases of typhoid fever and four of paratyphoid fever were registered in 1997 (20 years earlier there were several hundred a year). The results for the three above-mentioned diseases were not satisfactory although their occurrence continued to drop year by year. The downward trend also included diseases caused by Salmonella enteritidis which, spread through poultry and eggs, is one of the primary causes of food poisoning. Efforts were made to eliminate the cause. Even before 1995 a vaccination against hepatitis A was available in Poland. It was recommended for children, teenagers and people employed in food production as a vaccination to be paid for by the patient. In 1997 the vaccination was performed on 7 to12 year-olds (using donated vaccines) in flooded areas. Hepatitis B spreads through the blood. Over 60 per cent of all infections in Poland occurred in health care facilities. Thanks to widespread vaccination in 1993-1997, a threefold drop in incidence was reported. The second half of the 1990s saw greater emphasis placed on prevention of hospital infections, especially the improvement of hygiene in health care facilities and the change in sterilization methods of medical instruments (a switch-over from dry heat sterilization to autoclaving).

8. Government measures assuring medical services and medical attention to all in the event of sickness

319. The situation in the years 1995-1998, similar to the situation described in the previous report, has been presented above in article 9 (Right to social security) and article 12 (Right to health protection). The Act on Public Health Insurance of 6 February 1997 (Journal of Laws of 1997, No. 28, item 153 with later amendments) was to come into effect on 1 January 1999. Plans were made for the introduction of compulsory public health insurance, which, pursuant to this Act, was to have been realized by health insurance institutions, called Health Insurance Funds.

F. Government measures assuring that the rising costs of health care do not cause an infringement of the right of the elderly to health protection

320. During the reporting period the list of long-term diseases was extended to cover 30 of them. The basic medication required to treat the diseases on the list was free of charge or sold at a flat rate. The right to free-of-charge medicine was granted to war invalids, members of the military and their families and blood donors - inasmuch as the medicine could be used for therapeutic and prophylactic purposes to do with donating blood. In 1998 some drugs were given free of charge, some at a flat rate and the others at 30 per cent or 50 per cent of the price. The cost of health protection went unnoticed by the patients of the 89 nursing homes which, under the 30 August 1991 Act on Health Care Facilities, were open to elderly persons requiring 24-hour care and nursing (a total of 7,500 places). Thirty two such institutions were financed by the State budget and 47 were run by convents. These institutions were also financed by the Ministry of Health and Social Welfare. The services of community and social nurses in public Health Care Complexes were also free of charge.

G. Measures for increasing community participation in primary health care

321. With a view to maintaining an appropriate level of access to health care services, there were plans for the Health Insurance Funds (to be launched after the reporting period, i.e. as of 1 January 1999) to make an analysis of this access as well as access to specialist care.

H. Measures for providing education concerning prevailing health problems

322. A number of programmes were undertaken during the reporting period:

(a) The Health Education Community Programme for primary and post-primary pupils, launched in 1997, covered: health promotion, living within the family, mental health, addiction-free life, healthy eating habits, safety in everyday life, personal hygiene and the hygiene of one's surroundings and physical activity. In the regions this programme was coordinated by health education employees;

(b) "A safe and healthy home" programme for 0 to 6-year-olds and women over 65 years of age sought to identify the danger of injury at home, increase knowledge about the causes of accidents, increase accident awareness, impart accident prevention skills. The programme was launched in February 1998;

(c) A programme of administering first aid in life-threatening emergencies before the arrival of medical help was targeted at post-primary school pupils. The programme was based on "Basic life support";

(d) The dental caries prevention programme for class 1-3 primary school pupils was expanded in 1997/98 to include all pupils in these classes.

(e) Programmes to prevent tobacco smoking in Poland, to promote health in the workplace and to promote health through a proper diet.

I. New legislation and executive acts regarding article 12

323. These were:

- Article 68 of the Constitution of 2 April 1997 (a guarantee of the citizens' right to health protection);
- Amended Act of 24 October 1974 - Water Law (Journal of Laws of 1995 r., No. 47, item 243; of 1996, No. 106, item 496; of 1997, No. 47, item 299, No. 88, item 554, No. 133, item 885; of 1998, No. 106, item 668);
- Amended Act of 31 January 1980, on the protection and management of the environment (Journal of Laws of 1995, No. 90, item 446; of 1996, No. 106, item 496, No. 132, item 662; of 1997, No. 46, item 296, No. 96, item 592, No. 121, item 770, No. 133, item 885; of 1998, No. 106, item 668);
- Act of 19 August 1994 on mental health protection, came into force in January 1995 (Journal of Laws 1994, No. 111, item 535);
- Act of 13 September 1996 on the maintenance of cleanliness and order in gminas (communes) (Journal of Laws of 1996, No. 132, item 622; of 1997, No. 60, item. 369, No. 121, item 770);
- Act of 6 February 1997 on public health insurance (Journal of Laws, No. 28, item 153 with amendments);
- Act of 27 June 1997 on waste products (Journal of Laws 1997, No. 96, item 592; of 1998, No. 106, item 668);
- Regulation of the Council of Ministers of 20 June 1995 on the extent, rules and terms of imposing fines for defying the requirements of environmental protection, and on the indices specifying the levels of the fines (Journal of Laws, No. 79, item 399);

- Regulation of the Council of Ministers of 20 June 1995 on the rules and terms of fixing fines for disregarding the requirements specified for sewage discharged into water and soil, and on the indices specifying the levels of the fines (Journal of Laws, No. 79, item 400);

- Regulation of the Council of Ministers of 18 December 1996 on water supply and sewerage facilities, the charge for water and sewage release (Journal of Laws, No. 151, item 716);

- Regulation of the Council of Ministers of 30 December 1997 r. on the charge for waste deposition (Journal of Laws, No. 162, item 1116);

- Regulation of the Council of Ministers of 30 December 1997 on the charge for releasing pollutants into the air and for removal of trees and bushes (Journal of Laws, No. 162, item 1117);

- Regulation of the Council of Ministers of 5 August 1998 on the registration and recording of inventories of pollutants released into the air (Journal of Laws, No. 102, item 647);

- Regulation of the Minister of Environmental Protection, Natural Resources and Forestry on the technical requirements to be met by buildings used in water economy and their location (Journal of Laws, No. 21, item 111);

- Regulation of the Minister of Environmental Protection, Natural Resources and Forestry of 24 December 1997 on waste classification (Journal of Laws, No. 162, item 1135);

- Regulation of the Minister of Environmental Protection, Natural Resources and Forestry of 13 February 1998 on the labelling of packaging (Journal of Laws, No. 25, item 138);

- Regulation of the Minister of Environmental Protection, Natural Resources and Forestry of 16 April 1998 on establishing the list of wastes for the transport of which permission of the Chief Environmental Inspector is not required (Journal of Laws, No. 4, item 299);

- Regulation of the Minister of Environmental Protection, Natural Resources and Forestry of 28 April 1998 on the permissible levels of pollutants in the air (Journal of Laws, No. 55, item 355);

- Regulation of the Minister of Environmental Protection, Natural Resources and Forestry of 13 May 1998 on the permissible levels of noise in the environment (Journal of Laws, No. 66, item 75);

- Regulation of the Minister of Environmental Protection, Natural Resources and Forestry of 11 August 1998 on the detailed principles of protection against radiation harmful to human beings and the environment, on the permissible levels of radiation which may occur in the environment, the requirements in place for control measurements of radiation (Journal of Laws, No. 107, item 676);

- Regulation of the Minister of Environmental Protection, Natural Resources and Forestry of 8 September 1998 on discharging pollutants into the air from technological processes and technical operations (Journal of Laws, No. 121, item 793);

- Regulation of the Minister of Environmental Protection, Natural Resources and Forestry of 12 September 1998 on specimen documents used for waste registration providing information on the type and quantity of waste deposited in waste disposal sites and storage time (Journal of Laws, No. 121, item 794);

- Regulation of the Minister of Environmental Protection, Natural Resources and Forestry of 18 September 1998 on detailed principles of establishing the types and quantities of pollutants allowed for discharge into the air, and the requirements to be met by the documentation necessary for passing a decision establishing the types and quantities of pollutants discharged into the air (Journal of Laws, No. 124, item 819);

- Regulation of the Minister of Environmental Protection, Natural Resources and Forestry of 18 September 1998 on methods of calculating air pollution from existing and projected sources (Journal of Laws, No. 122, item 805);

- Regulation of the Minister of Finance of 7 January 1998 on defining types of waste material, the utilization of which provides eligibility for income tax exemption, and the detailed principles for establishing the value of waste used in the production process (Journal of Laws of 1998 r., No. 8, item 29);

- Regulation of the Minister of Economy of 2 July 1998 on specifying the waste which should be used for industrial purposes and the conditions to be met in its utilization (Journal of Laws, No. 90, item 573);

- Regulation of the Minister of Health and Social Welfare of 2 November 1998 on the register of basic health services delivered by dental surgeons and the basic materials used in dentistry (Journal of Laws, No. 140, item 911).

VIII. REALIZATION OF RIGHTS ENSHRINED IN ARTICLE 13

A. General guarantees of the right to education

324. Article 70 of the Constitution of 2 April 1997 provides that: "Everyone shall have the right to education …". Pursuant to this provision, public schooling is accessible to all and on equal terms. There is freedom to choose between a public and a non-public school. Public funds, derived from taxes, cover appropriate costs of public teaching.

1. Free and available to all primary education

325. In 1995-1998 primary education was still provided by non-compulsory kindergartens for children between the ages of 3 and 6 as well as compulsory and available free to all primary schools for children between the ages of 7 and 15 (eight grades). Pre-school teaching was provided by kindergartens or pre-school sections of primary schools and special and integration kindergartens. The network of primary schools, apart from those described in the previous report, included integration schools. There were also, chiefly in larger urban areas, non-public primary schools which charged tuition, attended by a very small portion of students compared to public schools. From 1 January 1996 the governance of primary public schools was the responsibility of the gminas, with the exception of special and art schools. The teaching in these schools was financed from educational subsidies that gminas received from the budget. In the 1996/97 school year about 99.8 per cent of children eligible for compulsory education went to school. The 1997/98 estimates were similar.

Table 38. Children of school age not attending primary schools (1996/97 school year)

Reason for non-attendance	Total children	Girls
School attendance suspended	7 338	2 658
Leave from school granted	1 381	576
School drop-outs	2 182	935
Total	10 901	4 169

Source: Data of the Ministry of National Education.

2. Post-primary education: free and available to all

326. In 1995-1998 further education was pursued by 96 per cent of primary school graduates. In that period there was a further expansion of general secondary school education; about 30 per cent of primary school graduates attended such schools. Some schools experienced problems of insufficient teaching staff, particularly teachers of languages, as well as some financial problems. Post-primary school education in the period under discussion was available to all at free of charge public schools, i.e. the four-year general secondary or vocational schools (the former entitled students to take matriculation and entry exams for institutions of higher learning), the five-year technical secondary schools (with similar rights), the three-year basic vocational schools (did not entitle students to take matriculation and entry exams for institutions of higher learning, but allowed for the continuation of education at shortened technical or general education schools). There were also non-public secondary schools, charging tuition, usually in larger urban areas. A small number of students attended these schools, but enrolment in them has been increasing steadily.

3. Accessibility of higher education

327. The Polish system of civil higher education comprised two types of schools of higher learning, i.e. schools operating on the basis of the Act of 12 September 1990 on tertiary education, and schools of higher vocational education operating on the basis of the Act

of 26 June 1997 on higher vocational education institutions. At the end of 1998 there were 90 State civil higher learning institutions and the Lublin Catholic University (KUL) operating on the basis of the Act on tertiary education and nine state higher vocational learning institutions. Apart from the State higher education sector, there was a non-State higher education one. At the end of 1998 there were 137 non-State institutions of higher education operating on the basis of the Act on tertiary education and 10 non-State higher vocational learning institutions operating on the basis of the Act on higher vocational education institutions. At State higher education level, daytime study was free. Evening and weekend studies charged tuition. At the end of 1998 the number of students at civil higher education institutions was about 1,260,000 of whom close to 946,000 attended State and State-budget-subsidized schools (KUL), whereas 308,000 studied at non-State universities (the rest studying at religious educational institutions). The non-State universities operating on the basis of the Act on tertiary education could provide higher vocational education (and grant professional titles of licentiate or engineer) as well as master's degree courses. At the end of 1998, 28 non-State universities were entitled to provide courses for a master's degree upon completion. The schools operating on the basis of the Act on higher vocational education institutions were exclusively entitled to provide higher vocational education and grant professional titles of licentiate or engineer, depending on course profile and/or profile specialization.

Table 39. Students at various types of schools in the 1997/98 school year

Type of school (institution)	Students	
	Total	Women
Children in kindergarten (age 3-6)	959 541	477 101
Of which: disabled children	4 552	
Of which: in integration kindergartens and groups	2 197	
Children in primary school (age 7-15)	4 802 659	2 335 425
Of which: disabled children (in special classes/groups, in integration classes, in generally accessible classes)	20 623	6 967
Students of general secondary schools (age 15-18 and over)	756 552	498 966
Students of vocational schools (age 15-19 and over)	1 627 946	718 499
Of which: basic vocational schools	633 762	225 291
technical and vocational secondary schools	897 447	421 869
post-secondary schools	96 737	71 319
Special general and vocational schools	122 039	48 953
Of which: primary schools	8 353	30 905
general secondary	1 149	659
vocational	29 415	12 520
special courses at vocational schools	1 148	n.a.
vocational training schools	1 001	383
individual education	8 973	4 486
First-level art schools (providing education at primary school level or pursuing solely an art programme)	48 584	30 129
Vocational training schools	4 397	720

Type of school (institution)	Students	
	Total	Women
Adult education	389 434	171 539
Of which: primary education	8 923	1 563
general secondary education	85 027	44 287
vocational education	295 484	125 689
of which: basic vocational	11 362	2 298
technical and secondary vocational	190 778	66 132
post-secondary education	93 344	57 259
Students attending daytime studies	534 721	280 258
Students of evening, weekend and correspondence courses	551 677	334 794

Source: Data of the Ministry of National Education.

4. Fundamental education for persons who have not received or completed primary education

328. Every person who has not received or completed primary education had the opportunity to do so under the educational system for adults. In 1995-1997 those under the age of 17 were required to complete at least eight grades of primary education. In 1997 the new Polish Constitution, under article 70, extended obligatory attendance to the age of 18. The draft of the Act on education dated 7 September 1991 prepared in the course of 1998, provided for a new system of education to be implemented as of 1 September 1999, comprising a six-year primary school programme, a three-year gymnasium (junior high), followed by a three-year lycée (high school). Students who on completion of the first grade of a gymnasium did not hold promise of completing the rest of the programme in normal time would be referred to vocational schools. After completion of the gymnasium, education could be further pursued in a lycée or at extra curriculum courses (art. 16 of the Act's draft amendment).

B. Difficulties in the realization of the right to education

329. Difficulties occurred with respect to some of the children in rural areas (travel to and from school, work on the farm) as well as children in families with pathologies (alcohol or drug abuse, domestic violence). Parents who systematically prevented their children from exercising their right to education could be penalized by court order, and in extreme cases (child abuse) even stripped of parental rights.

C. Promotion of literacy

330. The problem of illiteracy in Poland has gradually become a marginal one. The number of "old" illiterates (elderly persons, unqualified, mainly in rural areas and small townships, pathological cases, some homeless) has fallen naturally. However, a new, small yet noticeable, group of "young" illiterates has emerged among particularly neglected children from extremely poor and pathological families (see sect. B above). There were also some rare cases of functional illiteracy, in which the most neglected groups of adolescents lost contact with the written word

limiting themselves to audiovisual means (video, cinema, TV, or - less frequently due to higher costs - computer). In all of these cases there was the theoretical possibility of acquiring (for a fee) primary education provided for adults at evening courses. The chief obstacle was the poverty of most of the illiterate people and their families, as well as the feeling of loss, environmental isolation and social disorientation.

D. Percentage of State and regional budgets spent on education; the educational system

331. State budgetary assistance in financing schools and institutions governed (subsidized) by State administrative organs as well as partial financing of gminas, which took over the governance of primary schools and in some cases of post-primary education from 1 January 1996, as well as financial assistance for various educational and care institutions and institutions of higher education, for the years of the reporting period is shown below:

- 1995 - 13.7 per cent of expenditure (at the central level);
- 1996 - 14.0 per cent of expenditure (already including partial financing of gminas);
- 1997 - 15.7 per cent of expenditure (8.2 per cent at central level and 7.5 per cent for financing of gminas);
- 1998 - 8.1 per cent of expenditure (only central level expenditure).

332. Gmina budgetary expenditures for the above-mentioned purposes were as follows (no statistical data available for 1996):

- 1995 - 26.3 per cent of expenditure;
- 1997 - 36.6 per cent of expenditure;
- 1998 - 36.2 per cent of expenditure.

333. The educational system has been, to a great extent, described in section A above, as it was closely connected with the subject of questions 1 (a)-(d) in the guidelines. Apart from the usual schools listed therein, the following types of school also operated:

(a) Post-secondary education schools with a 1-year, 2-year or 2½-year curriculum. These did not represent an intermediate level between post-primary education and higher education. Their graduates had to take an entry exam for university-level institutions where they had to take up their studies from the beginning regardless of the type of higher learning institution they had attended. Some stopped their education at the level of these schools; others, failing to pass their university entry exams, treated them as transitional before entering university. On completion of a 1-year curriculum the graduate received the title of a qualified worker; after a 2 or 2½-year course the graduate earned the title of technician in the chosen specialization;

(b) Language and teacher training colleges;

(c) Evening schools - primary and post-primary levels.

334. Recently, teachers, methodology advisers and scientists prepared a new programme foundation for general education. The Council for National Education Reform, comprising outstanding teachers and academicians representing different fields of study, gave their opinions on particular phases of this work. About 40 alternative programmes of teaching as well as a new, freer system of selecting schoolbooks was introduced, which resulted in an "explosion" of creative activity of their authors - to the benefit of education as such. A list of experts authorized by the Ministry of National Education to provide their opinions on the textbooks was published. A "New matriculation exam" programme was drawn up in preparation for a new formula for the maturity exam.

E. Equal enjoyment of access to education and to measures to promote literacy

1. Percentage of men and women studying at the various levels of education

335. The following table gives this information:

Table 40. Percentage of men and women at various levels of education 1997/98 school year

Type of school	Women (%)	Men (%)
Kindergarten	48.79	51.21
Primary school, of which:	48.72	51.28
- special	37.80	62.20
General secondary school	66.09	33.91
Vocational school, of which:	44.59	55.41
- basic vocational school	35.73	64.27
- technical and vocational secondary school	47.65	52.35
- post-secondary school	75.32	24.68
Specialized schools, of which:	40.96	59.34
- first level art school	61.60	38.40
Institution of higher education (day students)	53.38	46.62

Source: Data of the Ministry of National Education.

2. Extent to which young girls, children of low-income groups, children in rural areas, children who are physically or mentally disabled, children of immigrants and of migrant workers, children belonging to linguistic, racial, religious or other minorities, and children of indigenous people enjoy the right to literacy and education

Young girls, children of low-income groups, children in rural areas

336. There were no restrictions, legal or otherwise, with respect to girls. Children of low-income groups were in no way restricted legally in their right, yet experienced other limitations as described earlier. They also had little chance of attending non-public schools which charged tuition, as we have not yet had in Poland a fully developed modern system of scholarships or grants for students who are talented but lack resources which would enable them to take full advantage of all types of schools. In rural areas the problem was usually the distance that children had to travel to school and their participation in farm work. Article 1, paragraph 9, of the Act on the education system speaks of narrowing the differences in education and care provision in particular regions of the country, particularly between urban and rural centres.

Children who are physically or mentally disabled

337. In general terms, our answer in the previous report is still relevant. The Ministry of National Education formed the legal and organizational basis to provide education to children with all types of disabilities. The Regulation of the Minister of National Education of 30 January 1997 on the principles of organizing rehabilitation and educational activities for children and adolescents who have serious mental disability provides legal regulation ensuring that this group can exercise their right to education through rehabilitation and educational courses. Children with disabilities between the ages of three and six could undergo early rehabilitation. Kindergarten education was available to them along with other children. Since March 1997 rehabilitation and educational courses have been organized for mentally disabled children and adolescents with deep mental disability between the ages of 3 and 25. A large part of the teaching staff has been trained in various forms of rehabilitation and educational methods for children and adolescents with serious mental disabilities. The teachers received a programme of how to teach "deeply misunderstood children", which formed the basis for preparing individual rehabilitation and educational programmes, serving at the same time as a methodology guide. Article 1, paragraph 5, of the Act on the education system ensured that disabled and socially unadapted children and adolescents could seek education in all types of schools in accordance with their individual development and educational needs.

Children belonging to national minorities

338. The 1997 Constitution ensured that national and ethnic minorities had access to learning their native language and to instruction in that language. Moreover, the Act on the education system of 7 September 1991, under article 1, stated the right of every citizen to education, including children's right to school education. Details with respect to the education of minorities

were provided in article 13 of the said Act, and further specified in the Regulation of the Minister of National Education of 24 March 1992 on the organization of education ensuring the maintenance of the national, ethnic and language identity of students belonging to national minorities (Journal of Laws of 1992, No. 34, item 150). When organizing such schools, requests of parents, students and minority groups were taken into account. There were schools giving instruction in the mother tongue of a minority, schools with extra classes for teaching the language of the minority and schools providing instruction in two languages. Classes could be single minority or integrated. Classes conducted in the native tongue of the minority were organized for groups of a minimum of 7 students in primary schools, and of 14 in post-primary ones. In schools with the language of instruction being that of the minority, there were geography and history classes about the country of their origin. All school subjects were taught in the minority's language, except for Polish - language, literature and history - classes. Both language classes, of the mother tongue and Polish languages, had the same number of hours. The students had to take final exams in their mother tongue and received school certificates in both languages. In schools providing extra classes in the minority's language and those with instruction in two languages, there was also the possibility of having elements of history and geography of the country of origin being taught. Kindergartens could also provide education in the minority's language. The State budget provided financial assistance for the governance of schools for minorities as well as the training of teachers, and for cultural and educational undertakings in support of the national, ethnic and language identity of students. Ever since 1 January 1996, when control of public primary schools was transferred to the gminas, they received larger educational subsidies for the governance of schools for minorities. Secondary education schools for minorities were financed out of expenditure on education planned in voivode budgets.

Table 41. Teaching in the mother tongue of national and ethnic minorities, in 1996/97

Language	Level of education	No. institutions	No. students	No. teachers
Mother tongues, total	Total:	440	32 078	640
	Kindergarten	4	127	8
	Kindergarten sections in primary schools	27	288	0
	Primary schools	395	29 348	608
	Post-primary schools	14	2 315	24
Ukrainian	Total:	91	2 779	112
	Kindergarten	1	11	2
	Kindergarten sections in primary schools	9	76	0
	Primary schools	75	2 255	104
	Post-primary schools	6	437	6
Lithuanian	Total:	18	809	30
	Kindergarten	-	-	-
	Kindergarten sections in primary schools	3	18	0
	Primary schools	13	636	27
	Post-primary schools	2	155	3

Language	Level of education	No. institutions	No. students	No. teachers
Belarusian	Total:	48	3 929	80
	Kindergarten	1	39	4
	Kindergarten sections in primary schools	5	63	0
	Primary schools	40	2 904	69
	Post-primary schools (general secondary)	2	923	7
German	Total:	265	23 738	391
	Kindergarten	2	77	2
	Kindergarten sections in primary schools	9	125	0
	Primary schools	252	23 050	384
	Post-primary schools	2	486	5
Slovak	Total:	15	515	22
	Kindergarten	-	-	-
	Kindergarten sections in primary schools	1	6	0
	Primary schools	13	471	21
	Post-primary schools	1	38	1
Kaszubian (ethnic minority)	Total:	3	308	5
	Kindergarten	-	-	-
	Kindergarten sections in primary schools	-	-	-
	Primary schools	2	32	3
	Post-primary schools	1	276	2

Source: Ministry of National Education.

Table 42. Development of primary schools for minorities, 1995-1998

Minorities	1994/95	1995/96	1996/97	1997/98
German	111	161	252	265
Ukrainian	69	69	75	84
Belarusian	43	43	40	38
Slovak	14	14	13	15
Lithuanian	10	10	13	13

Source: Ministry of National Education on the basis of data of the Ministry of Internal Affairs and Administration (Department of Personal Matters), as well as the Main Statistical Office.

Children of migrants and refugees

339. Children of migrants and refugees whose right of residence in Poland had been legally affirmed and who received identity documents were taken under Polish jurisdiction and given, among other things, the right to education, including free primary school education (letter of the Deputy Secretary of State of the Ministry of National Education (MEN) dated 21 August 1991 to schools).

3. Actions of the Government for equal access to all levels of education, for instance in the form of anti-discriminatory measures, financial incentives, fellowships, etc.

340. Article 70, paragraph 4, of the Constitution of 2 April 1997 states that "public authorities shall ensure universal and equal access to education of citizens. To this end they establish and support systems for individual financial and organizational assistance to pupils and students." Work was under way on the implementation of this article of the Constitution by way of legal regulation (already in place, to some extent, with the introduction of a credit programme or students of higher education). There was a system of financial assistance for students. The programme included financial benefits for students from low-income families, based on an analysis of needs, fellowships, and partial financial assistance to cover accommodation and food costs. Additionally, students had the right to free-of-charge health care on the basis of general health insurance. In 1998 preferential credits for students were introduced. The costs of interest on those credits were covered in full from the Student Credit-Loan Fund. The Fund was created by Bank Gospodarstwa Krajowego and financed from the State budget.

F. Conditions of work and salaries of teaching staff; measures taken and contemplated to change the situation

341. The conditions described in the previous report for 1992-1994 remained basically the same in 1995-1998. The only change concerned the extension of holiday leave for teaching staff employed in institutions where there was no winter break. Since 1 July 1996 their leave lasted seven weeks. The retention of the right of the teaching staff to retirement after 30 years of work (of which 20 years in the capacity of teacher/lecturer) for eight more years after the implementation of the Act on pension and retirement pay from the Social Insurance Fund of 17 December 1998 is being contemplated. Work on new legal regulations with respect to the professional status of the teaching staff has continued throughout the reporting period. It was planned to introduce a "vertical" professional classification for teachers (younger teacher, contract teacher, teacher nominate, certified teacher) and a "horizontal" differentiation through the appointment of new functions and duties in educational institutions. Work has been done also on an incentive system reflecting the quality of a teacher's work. The contemplated changes would require amendment of legal acts, such as the Act on the Teachers' Charter and executive acts. The Ministry of National Education has already conducted the relevant consultations with social and trade union groups. Drafts of proposed legislative changes have been prepared. As the professional status of teachers changed, so would their conditions of work and salaries. Work on the implementation of the reform was to continue for a period of two to three years, which meant at least till 2000 or 2001, and would fundamentally change the social status of the teaching profession.

Table 43. Average salary of teaching staff, in zlotys, 1989-1998 Comparative illustration (gross)

Year	Average minimum salary	Average salary (total)	Average salary in the budgetary sector	Average salary in the companies sector	Average salary in education	
					Total	Teachers
1989	2.39	20.68	19.44	21.21	18.99	21.89
1990	22.07	102.96	109.24	102.11	105.77	118.17
1991	61.37	175.63	167.43	178.04	159.04	176.92
1992	108.75	289.73	271.14	291.81	258.46	269.71
1993	160.00	390.43	357.24	406.10	350.25	373.78
1994	215.00	525.02	472.92	571.08	457.88	495.45
1995	285.00	690.92	639.01	754.17	618.13	671.20
1996	353.75	874.30	816.61	956.85	790.62	857.70
1997	426.75	1 061.95	1 005.92	1 162.06	977.75	1 034.30
1998	431.52*	1 239.00	1 176.00	No data available	1 118.00	No data available

Source: Ministry of National Education and Main Statistical Office data.

* Net.

Table 44. Average salary in education, total, in 1989-1997 (% relative to other sectors)

Year	Salaries in education in comparison with other sectors (in %)		
	Average domestic salaries	Average salaries in the State sector	Average salaries in the private sector
1989	91.83	97.69	89.53
1990	102.73	96.82	103.58
1991	90.55	94.99	89.33
1992	89.21	95.32	88.57
1993	89.71	98.04	86.25
1994	87.21	96.82	80.18
1995	89.46	96.73	81.96
1996	90.43	96.82	82.63
1997	92.07	97.20	84.14

Source: Data of the Ministry of National Education.

Table 45. Average teacher salary in 1989-1997 (% relative to other sectors)

Year	Teachers' salaries in comparison with other sectors (in %)		
	Average domestic salary	Average salary in the State sector	Average salaries in the private sector
1989	105.85	112.60	103.21
1990	114.77	108.17	115.73
1991	100.73	105.67	99.37
1992	93.09	99.47	92.43
1993	95.74	104.63	92.04
1994	94.37	104.76	86.76
1995	97.15	105.04	89.00
1996	98.10	105.03	89.64
1997	97.40	102.82	89.01

Source: Data of the Ministry of National Education.

Table 46. Rate of increase of average salary, in %, 1992-1997 (1992 = 100%)

Year	Average minimum salary	Average domestic salary	Average salary in the State budgetary sector	Average salary in the budgetary company sector	Average salary in education	
					Total	Teachers
1992	108.75	289.73	271.14	291.81	258.46	269.71
1993	147.13	134.76	131.75	139.17	135.61	138.59
1994	197.70	181.21	174.42	195.70	177.16	183.70
1995	262.07	238.47	235.68	258.70	239.16	248.86
1996	325.29	301.76	301.18	327.90	305.90	318.01
1997	392.41	366.53	371.00	398.22	378.30	383.49

Source: Data of the Ministry of National Education.

G. Proportion of non-government schools at all levels

Table 47. Proportion of schools administered by various bodies, in 1997/98 (%)

Schools	Administered by:		
	State administration	Territorial self-government	Social organizations, religious organizations, natural persons and legal entities
Primary		99.3	0.7
General secondary	52.4	43.0	4.6
Vocational	73.6	23.4	3.0
Special primary	78.6	20.7	0.7
First level art	82.7	12.6	4.7
Higher education	40.6	-	59.4

Source: Data of the Ministry of National Education.

342. In 1991 the first non-public post-primary schools were established. From 1991 until 1998 the Minister of National Education issued licences to 149 non-public higher education schools and post-secondary education schools of that type, of which 10 were vocational schools. The Government did not administer these schools. There were no limitations or problems in establishing and administering non-public schools. The legal provisions for financial assistance for those schools have also been included in the Act on the education system. Persons administering non-public schools insisted that the chief problems they encountered were financial as well as insufficient space to conduct school classes. In general, it can be said that these schools survived on tuition fees, various donations and government subsidies provided in accordance with the Act on the education system (up to 50 per cent of day-to-day expenditures per capita at comparable public schools).

H. Potentially negative legislative and other changes in recent years

343. In the period under consideration there have been neither instances of legislative changes nor other changes that could have a negative impact on the rights provided under article 13 of the Covenant.

I. New legislation and executive acts regarding article 13

344. These were:

- Article 70 of the Constitution of 2 April 1997 (guaranteed right to education, including of national and ethnic minorities, providing them also with access to learning their native language and to instruction in that language);

- Draft amendment to the Act of 7 September 1991 on the education system (from 1998);

- Act of 26 June 1997 on tertiary vocational education (Journal of Laws of 1997, No. 96, item 590 with later amendments),

- Regulation of the Minister of National Education of 30 January, 1997 on the principles of organization of rehabilitation and education activities for children and adolescents with serious mental disability (Journal of Laws of 1997, No. 14, item 76);

- Regulation of the Minister of National Education of 21 April 1998 on the introduction in school curricula of the subject "The sexual life of humans" and the scope of its subject matter (Journal of Laws, No. 58 of 12 May 1998),

- Draft of the Regulation of the Minister of National Education of 22 December 1998 on the framework of teaching schedules for the six-year public primary school and gymnasium (on the basis of art. 22, para. 2 (1) of the above-mentioned Act of 7 September, 1991 on the education system; Journal of Laws of 1996, No. 67, item 329 and No. 106, item 496; of 1997, No. 28, item 153 and No. 141, item 943; of 1998 No. 117, item 759).

IX. REALIZATION OF THE RIGHTS ENSHRINED IN ARTICLE 14

345. Due to the fact that compulsory and free primary education is enjoyed in Poland, we refer you to our answers to questions under article 13.

X. REALIZATION OF THE RIGHTS ENSHRINED IN ARTICLE 15

A. Legislative and other measures to realize the right of everyone to take part in the cultural life

346. The right to participate in cultural life is, first of all, ensured in the 1997 Constitution of the Republic of Poland, as it is in the Act on the organization and management of cultural activity of 25 October 1991 (Journal of Laws of 1997, No. 110, item 721 with later amendments), which establishes that "the State takes on the sponsorship of cultural activity by supporting and promoting creativity, cultural education, cultural activity and initiative, as well as by taking care to preserve the cultural heritage", and further "the Ministry of Culture and Art and other bodies of State administration, within the framework of State sponsorship, can provide financial assistance for cultural activity of special importance, whether conducted at home or abroad ...". Everyone's right to take part in cultural life is also guaranteed in the Act of 14 July 1983 on the national archives and archival records (Journal of Laws, No. 38, item 172 with later amendments). Promotion of cultural identity (see sect. 3 below) is one of the aims of the Ministry of Culture and Art and is implemented by the Department of Culture of National Minorities (Act of 4 May 1982 on the Office of the Minister of Culture and Art, Journal of Laws, No. 14, item 112, and the Regulation of the Chairman of the Council of Ministers of 18 February 1998 on the bestowal of a statute upon the Ministry of Culture and Art).

347. In 1998 Poland enacted appropriate legislation to prepare the administrative reform, which was to take effect as of 1 January 1999. (Changes were to be made, among other things, in the scope of powers of administrative bodies with respect to cultural institutions, and in those institutions' place at particular levels of administration.) The matters are dealt with in the Act on voivodeship self-governments of 24 July 1998 on the amendment of certain acts defining the competencies of public administration bodies, as a result of the reform of the political structure of the State. The general concept of the reform, in the sphere of culture, was for the newly established territorial self-governments to take over the governance of cultural institutions.

348. For the protection of cultural institutions working on the premises of State Treasury or self-government buildings, the Minister of Culture and Art specified, by regulation, a list of buildings which chiefly provided facilities for cultural institutions to operate from or which had been built with that aim and thus could not be taken over completely for any other basic activity.

1. Availability of funds for the promotion of culture and popular participation

349. According to GUS data, 0.8 per cent of the central budget was earmarked for culture and art. Nominally it was 1,148.2 million zlotys. Table 48 contains earlier data:

Table 48. State expenditure on culture, 1995-1997

	1995	1996	1997
State budget expenditure on culture, as a share of GDP, in %	0.24	0.23	0.23
Expenditure on culture, as a share of the State budget, in %	0.77	0.76	0.82
Nominal expenditure on culture, in million zlotys	703.6	829.0	1 036.7

Source: Data of the Ministry of Culture and Art (MKiS).

350. On top of this, expenditures on culture and art have been covered by gminas from their budgets. According to GUS statistics, in 1995 3.3 per cent of gmina budgets went for this purpose, in 1997 - 2.7 per cent and in 1998, 2.8 per cent. In nominal terms gminas allocated 1,323.5 million zlotys for culture and art.

Table 49. Expenditure structure of the Ministry of Culture and Art, 1995-1998

	1995	1996	1997	1998
Expenditure in %, of which:	100.0	100.0	100.0	100.0
Various material services (film institutions)	3.0	2.8	2.8	2.7
Education	27.8	27.5	31.1	30.5
Higher education	13.8	15.6	16.4	16.4
Culture and the arts	51.2	50.0	47.3	48.0
Other activities	0.3	0.4	0.4	0.4
State administration	3.9	3.7	2.0	2.0

Source: Data of the Ministry of Culture and Art (MKiS).

351. Expenditure on archival activity in 1995-1998 is illustrated below (in thousand zlotys):

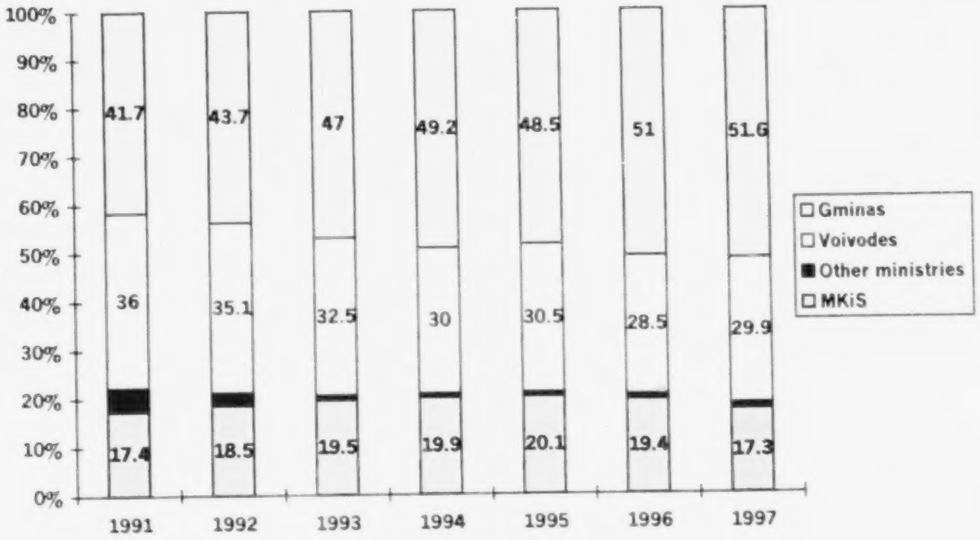
Table 50. Ministry of Culture and Art expenditures on archival activity

1995	1996	1997	1998
22 408.5	28 756.6	40 478.9	46 778.5

Source: Data of the Chief Department of State Archives.

352. The above expenditure was financed from resources allocated in the budgetary act. Furthermore, the archives financed some of their acquisition needs, e.g. computer hardware and necessary specialized software, out of their own funds (from earnings from services rendered).

353. It was planned that as a result of the decentralization process and changes in the social policy, the competence and scope of financing of culture by the Minister of Culture and Art and by the voivodes would change. The gminas' scope of powers and participation in public expenditure on culture shall increase. The structure of public expenditure on culture, including administrative and departmental/ministerial units, is illustrated in the bar graph prepared by the Ministry of Culture and Art (for better illustration of the changes, data is provided for the period starting in 1991):



Source: Data of the Ministry of Culture and Art (MKiS).

Table 51. Indices and structure of Ministry of Culture and Art expenditure on culture

	1995	1996	1997	1998
Expenditure (in thousand zlotys)	275.194	329.037	370.012	421.580
Real indices of expenditure in % (previous year = 100)	106.56	99.72	97.87	101.91
Museums	23.9	26.5	31.3	27.8
Conservation of historic monuments	9.0	11.4	16.0	17.2
Protection of historic monuments	2.3	2.6	2.7	2.9
Zachęta - Art Exhibition Bureau	1.6	1.6	1.7	1.4
National Film Repository	0.3	0.4	0.4	0.4
Art centres	1.5	1.4	1.5	1.5
National Library	9.7	8.1	8.6	7.9
Community centres and clubs	0.3	0.4	0.4	0.5
Music, artistic and cultural associations	4.0	3.6	4.0	4.4
1997 Flood clean-up	-	-	2.4	4.6
Theatres, operas and operettas	9.4	12.5	16.1	15.8
National Philharmonic	2.6	2.4	3.0	3.0
Domestic Concert Office	0.1	0.1	0.2	0.2
Song and dance ensembles	-	-	0.5	1.1
Film institutions	1.6	1.3	1.2	1.1
Other activity	33.7	27.5	9.8	9.9

Source: Data of the Ministry of Culture and Art (MKiS).

354. State sponsorship in the 1990s chiefly reached voivodeship level. In 1997 voivodes allocated for culture 641,038,000 zlotys, in real terms 15.6 per cent more than in 1996. The greater part of this financing went to museums, theatres and libraries. In 1997 gminas allocated for culture 1,105,766,000 zlotys, or 2.7 per cent of their budgets. Although the percentage share of expenditure on culture in gmina budgets was decreasing, in real terms it has increased. Gminas spent the largest part of their resources on libraries (in 1996 - 30.47 per cent), maintenance and operation of cultural establishments (11.9 per cent) and centres (23.54 per cent), clubs and community centres (4.6 per cent).

355. The objective of research carried out at the turn of 1997/98 was to evaluate changes which had taken place since 1989 in the situation of public cultural institutions with an artistic profile, as well as to review their opinions of their own situation in the late 1990s. The survey covered 94 institutions, of which 31 were museums, 26 dramatic theatres and 8 opera, operetta and musical theatres. In 1996 the State budget and gmina budgets appropriated 158,357,645 zlotys for their needs. On average, budget subsidies accounted for 78.4 per cent of their income. The surveyed group included institutions using the premises and funds of non-governmental institutions. The worst situation was in the theatres. They lacked the means for repairs and modernization, faced numerous problems in their quest to achieve artistic goals, their staff was highly qualified but poorly paid. Museums and galleries faced a similar situation. Many institutions, however, were beginning to spot opportunities to attract new sources of financing. The differences of opinions observed by the survey seemed to lie in the fact that such opportunities did not become open to museums and galleries (budgetary institutions) until the introduction of appropriate legislation after 1989. In the case of artistic institutions, which had been operating on their own account for some years before that date, these changes did not make such an impact. What's more, they did not have the advantage of statutory salary increases, which were enjoyed by all in the budgetary sector.

356. The survey shows that in 1995-1998 cultural institutions, although coping with various problems, began steadily adopting free market practices. New methods of work based on employment of educated cultural managers, their own promotion and advertisement divisions, market research, as well as the search for benefactors and sponsors became more and more professional. There were frequent situations when an institution was successful in acquiring funds simultaneously from all available sources, whether budgetary or non-budgetary. Theatres, through market research, planned their repertoire in such a way as to draw maximum audiences. These methods, although on a much lesser scale, were practised by museums and galleries, which did listen to public opinion in many cases.

2. Infrastructure: archives, museums, libraries, cultural establishments, regional societies, theatres, cinemas

State archives

357. In Poland everyone is guaranteed the opportunity to study the historical heritage of his/her people and country. The complex activities of the State archives in the reporting period covered extensively the organization of cultural life, as defined by the Covenant. For example,

there was increasing systematic research in genealogy, conducted on the basis of archival records - particularly among foreigners whose forefathers had lived on Polish soil. Genealogists accounted for some 12 per cent of all users of the archives, and in some record offices, they made up the largest group of users. Thirty two State record offices (with close to 60 out-of-town branches) made the State archival documents available to individual interested persons, and even popularized their collections by exhibiting and publishing them, excursions, and TV and radio broadcasts.

Table 52. Selected data on State archives in 1995-1998

	1995	1996	1997	1998
Number of users	10 260	11 615	12 656	14 944
Number of visits at scientific laboratories	53 414	55 570	59 549	63 231
Number of archival units accessed	489 914	337 879	388 501	360 958
Number of exhibitions	152	109	143	155
Number of hosted excursions	523	478	482	495
Number of press articles and releases	381	354	488	368
Number of TV/radio programmes on State archives	255	220	283	273

Source: Data of the Chief Department of State Archives.

The State archives also cooperated with numerous institutions of higher learning, museums, libraries and regional associations.

Museums

358. These matters were regulated under the Act of 21 November 1996 on museums, and the Act of 25 October 1991 on the organization and management of cultural activity. In the reporting period museums widened the scope of their activity (scientific, educational and creative). The draft of the 1996 Act was reviewed with museum specialists. It eliminated the shortcomings of outdated regulations, implementing new (in a legal sense) terms, such as the definition of a museum, supervisory board, museum register and museum specialist. The museum structure at the end of 1998 was as follows: for 21 museums the Minister of Culture and Art was the legal organizer, for 16 it was another minister, for 117, the voivodes, 154 museums were municipality-owned, 86 were owned by social organizations, 15 museums belonged to churches and religious societies and 10 were private. The number of museums in 1995-1998 did not change, in principle and, according to the Ministry of Culture and Art, at the end of 1998 totalled 419, without branches (632 including branches; surveys conducted by GUS put the figure at 613). The biggest concern, due to costs chiefly, was the problem of how to expand the collections and conserve and protect them. Due to interesting exhibition proposals of museums in recent years, we could observe a slow increase in the numbers of people visiting them - individuals and whole families, as well as foreign tourists. 1996 can be described as "the year of museums", with long queues forming at their doors to see the masterpieces of the world cultural heritage. In order to make their offers more attractive, the Government introduced the institution of guarantees by the State Treasury for museum pieces on loan from abroad.

Table 53. Number of exhibitions and number of visitors in 1995-1998

	1995	1997	1998
Total exhibitions, of which:	3 211	3 203	3 147
- from abroad	153	189	n. a.
- travelling	884	819	619
Total visitors (in thousands)	17 060	17 686	18 586
- of which school children	6 547	6 868	6 878

Source: Data of the Ministry of Culture and Art and of the Main Statistical Office.

Table 54. Educational activity of museums in 1995-1997

	1995	1996	1997
Museum lectures	6 172	6 244	7 009
- participants	268 592	287 379	284 761
Film presentations	21 599	20 152	16 263
- participants	994 333	929 278	668 774
Concerts	3 153	2 918	3 170
- participants	445 917	423 869	455 884
Museum classes	38 930	39 680	46 763
- participants	1 033 345	1 105 555	1 209 935

Source: Data of the Ministry of Culture and Art.

Public libraries

359. The Act on libraries of 27 July 1997 formed the basis of activity of the library network. In 1998 the network totalled 9,167 establishments (libraries and branches). In 1995-1998 their number declined by 338, of which 264 were in rural areas. The tendency to close down libraries was noted as far back as 1990. From that time up to the end of the reporting period, over 1,000 libraries, or over 10 per cent of the total, were closed. A substantial drop was also reported in the number of library service points run by unpaid staff. The downward trend was arrested after 1995 (the number fell from 17,600 in 1990 to about 4,400 in 1995 - a fourfold drop! - and to about 3,500 in 1998). Apart from economic reasons, the library points were being closed because of a falling demand for this form of book access. In 1998 public libraries had in their collections about 136 million volumes of books and bound magazines, or about 700,000 less than in 1995. The reason for this drop was a shortage of financial means, due to which acquisition of new titles did not compensate for selective shortages and physical wear. In 1997 public libraries acquired 3,794,000 volumes of books, of which 2,616,000 were new titles. For years, there has been a formal acquisition index in operation requiring the purchase of 18 volumes per 100 residents in the country, yet it was not being met in any way; in 1995-1998 the index was 6.7-6.9/100. In 1998, however, public libraries registered 7,314,093 readers, over 290,000 more than in 1995. The increase was noted in libraries in urban areas. The number of readers in rural areas has been dropping since the beginning of the 1990s. In 1998 libraries in

rural areas had over 70,000 fewer readers than in 1995. In 1998 a total of 152.1 million books, magazines and special collections were checked out of public libraries, or about 9.6 million fewer than in 1995. The drop in the number of books borrowed was first noted in 1997, but in 1998 the decrease was exceptionally high (about 6 million volumes, close to two thirds of the total decrease for the reporting year). Nevertheless, during the 1990s, an interest in library books was observed. In 1990-1997 there was generally an increase of 286,000 (0.2 per cent) in the number of books being checked out of libraries. An increase in prices, including of books, threatened public libraries, but at the same time, understandably increased the number of their readers. Furthermore, the wide network of public libraries and their branches, their easy access, free access to library materials and the professional competence of library staff all contributed to their central role in the education of children of all ages outside of school. Libraries were second after schools in the organization of various events, particularly in rural communities. It was reasonable to describe their offer as "for the mass user". In 1997 library service points realized a total of 216,700 tasks of cultural educational programme for children of all ages, of which 90,100 were group activities, such as exhibitions of books singled out for the beauty of the Polish language, competitions, reading tournaments, film projections and audio-visual shows, concerts, spectacles, puppet theatre shows, artistic programmes, recitation competitions, meetings with an artist, etc.

Table 55. Libraries in Poland in 1995-1998

	1995	1996	1997	1998
Libraries	9 505	9 342	9 230	9 167
- urban areas	3 105	3 075	3 047	3 031
- rural areas	6 400	6 267	6 183	6 136
Library service points	4 428	3 938	3 565	3 533
- urban areas	1 007	945	921	944
- rural areas	3 421	2 993	2 644	2 389
Book collection, in millions of volumes	136.7	136.7	135.9	136
Readers	7 023 000	7 176 000	7 222 000	7 314 093
- urban areas	4 969 900	5 140 300	5 220 400	5 331 781
- rural areas	2 053 100	2 035 700	2 001 600	1 982 312
Books checked out, in millions of volumes	161.7	161.8	158.0	152.1
Supplies of books, in millions of volumes	4.299	3.983	3.794	3 658
Supplies of audio-visual units	98 000	103 000	77 000	168 306
Index of books acquired, in volumes per 100 residents	6.9	6.7	6.8	6.7

Source: Data of the Ministry of Culture and Art.

Cultural establishments, centres and clubs

360. The basis of their activity in 1995-1998 was the Act of 25 October 1991 on the organization and management of cultural activity (Journal of Laws of 1991, item 493), amended on 27 June 1996. In 1995 there were about 3,700 such cultural facilities open, of which about 2,200 were in rural areas (often housing a library as well). In 1997 there were 3,598 cultural

centres and establishments, clubs and community centres open, with an output of 241,800 events attended by 34.2 million participants; 14.200 artistic ensembles engaged 213.800 members, and 199.900 people pursued their interests in organized groups and clubs. In 1997, 1,168 out of the 1,502 institutions operating in urban areas were in the public sector, of which 977 represented units whose founding bodies were territorial self-governments (of these 344 were cultural establishments, 523 cultural centres and 73 were clubs). Among 2,096 cultural centres and establishments, clubs and community centres operating in rural areas, there were 2,048 self-government institutions (of which 296 were cultural establishments, 803 cultural centres, and 855 community centres). In 1998, cultural centres and establishments, clubs and community centres received from the State budget 63.8 million zlotys of their financing, which accounted for 5.56 per cent (in 1997 - 5.34 per cent) of expenditure from the State budget for culture and art. Most of the institutions conduct economic activity (e.g. printing services, video cassette rentals, theatre costume rentals, etc.) and use the income to finance their statutory activity. This exempts them from payment of income tax. Cultural establishments generated their own income which covered from 10-50 per cent of their annual expenditure on statutory activity. Together with libraries, the cultural establishments, centres, clubs and community centres represented the basic centres of cultural promotion among the local population. They played a particular role in the realization of cultural education among children of all ages. In 1997 they realized a total of 137,400 from that programme. Among the events offered by the gmina cultural institutions in the sphere of cultural education, the largest number was aimed at primary students. A large part of the cultural programme tasks were accomplished by the gmina cultural establishments in cooperation with other institutions. Of the total 137,400 tasks, over 81,000 were organized jointly. Their chief partners were schools - over 48 per cent of the total joint undertakings.

Regional societies

361. In the years 1995-1998 Regional Cultural Societies represented the largest, in terms of membership, and most active groups in the socio-cultural movement in the country. Participants in the regional movement pursued their interests in 1,300 societies in 3,250 towns with a membership of about 350,000 people. Their representative was the National Board. The organizational base for the Board and coordinator, with respect to all societies, was the National Centre Documenting Regional Cultural Societies with its seat in Ciechanów, established on 30 September 1983 as a State institution headed by the Voivode since 30 September 1997 (when it received the status of a joint institution of the Minister of Culture and Art and the voivode). The Centre's strengthened position was the result of an increasing number of tasks and a widening range of undertakings realized by the societies. The Congress of Regional Cultural Societies, which was held from 24 to 26 September 1998 in Radom, summed up the movement's achievements in the past four years and set guidelines for its activities in the future.

Theatres and related institutions

362. In the period from 1 January 1995 till 31 December 1998, the number of dramatic theatres continued to rise systematically, from 92 to 96, and the number of puppet theatres fell from 31 to 29 (GUS data). According to the Ministry of Culture and Art, in 1998, only 66 dramatic theatres and 27 puppet theatres remained open. The status of some institutions changed, also, as a result of the implementation of the Pilot Program of Public Administration

Reform (Journal of Laws of 1993 No. 65, item 309) adopted by the Regulation of the Council of Ministers of 13 July 1993. The municipal gminas participating in the Pilot Program took over some of the cultural institutions of a larger-than-local character. The Pilot Program covered 17 dramatic theatres, 13 puppet theatres, 3 musical theatres, 4 symphonic orchestras and 5 orchestras. Until the end of 1995, another form functioned, in which some institutions had a combined State and self-government status. Thus, at the end of 1998 there were 39 institutional dramatic theatres with state status (including 2 under the supervision of the Minister of Culture and Art) and 27 under the supervision of self-governments, as well as 10 State puppet theatres and 17 self-government ones. Additionally, according to the Minister of Culture and Art, there was a considerable number (and growing since 1991) of non-institutional semi-professional theatres that represent the "off" theatrical scene, pursuing new ideas, exploring new possibilities and experimenting with modern stage acting. The data gathered by GUS are more favourable than those of the Ministry of Culture and Art as they probably include a number of such theatres. This constantly evolving, difficult to count group (there are many more than 100 such theatres) includes also such renowned and long-standing, theatres as Scena Plastyczna KUL from Lublin, Towarzystwo Wierszalin from Supraśl, Teatr Biuro Podróży from Poznań, as well as new ensembles, often brought together for a specific presentation (of the more recent ones, Teatr Montownia was an interesting example). At the end of 1998, among musical theatres and related institutions staging performances there were 9 operas, 6 operettas (including 1 musical theatre), 23 symphonic orchestras, 11 chamber orchestras, 1 choir and 2 song and dance ensembles (according to the cultural department). The data compiled by GUS showed 9 operas, 12 operettas, (including 6 musical theatres and 2 dance theatres), 22 philharmonic orchestras, 2 symphonic orchestras, 11 chamber orchestras, 2 choirs and 3 song and dance ensembles. Other institutions of a musical character did not perform professionally.

Cinemas and film production

363. Privatization of the filmmaking industry and the expansion of video were the causes of a decrease in the number of cinemas in comparison to the 1980s (in 1989 there were 1,792 cinemas). According to GUS, there were 721 cinemas in 1995, 706 in 1996 and 686 in 1997. In 1995-1998 cinemas no longer formed part of the network of State establishments. Some were run by the State Film Institutions (Państwowe Instytucje Filmowe), most were managed by units of territorial self-government, cultural centres, the army, etc. In 1995 there were 54 private cinemas, in 1996, 56 and in 1997, 63. In 1995, 199 cinemas were leased, in 1996, 197 and in 1997, 190. In 1997 there were 632 cinemas in urban areas and only 42 in rural areas, and 12 travelling cinemas. In 1997 they provided a total of 200,000 seats of which 7,100 were in rural areas. In 1997 there were 408,900 screenings, of which only 5,300 were in rural areas (including 1,400 in travelling cinemas). They had facilities to seat a total audience of 24,329,800 (in 1990, 32,797,700 and in 1996, 21,440,100; after a serious regression there was a slight improvement), of whom 187,000 were in rural areas. Twenty-three full-length feature films made in 1995, 17 in 1996 and 20 in 1997 (a large regression compared to the 31 made in 1990, although the situation slowly improved after 1996). Medium-length non-feature films, such as animated, educational and documentary films, were produced: 27 in 1995, 29 in 1996 and 26 in 1997. Some were made in co-production with foreign partners, some were made by Polish producers with the help of foreign film services. In 1995, 562 short films were made, in 1996, 605 and in 1997, 496 (of which 309 were educational, 145 were documentary and 27 animated). In 1998 there was a total of 813 cinemas, a significant increase (127 cinemas!),

reaching the levels of the first half of the 1990s. Of this total, 727 were in urban areas and 86 in rural areas (over twice as many as in 1997!). They could seat audiences totalling 229,154 persons (an increase of almost 30,000 within a year!). Of this number, 11,892 were in rural areas (an increase of almost 5,000, compared to 1997). Cinemas in 1998 had a total audience of 20,317,746, a drop of about 4 million in spite of an increased number of cinemas and available seating. Film production in 1998 came to 14 feature films (again a regression as compared with 20 in 1997) and 26 non-feature films (the same as in 1997).

3. Promotion of cultural identity as a factor of mutual appreciation among individuals, groups, regions: promotion of the cultural heritage of ethnic groups, minorities and indigenous peoples

364. National minorities in Poland represented in the reporting period about 850,000-970,000 out of a total of close to 38.6 million people (according to data of the Ministry of Internal Affairs and Administration), or about 2.2-2.5 per cent. The three largest minority groups were: German (over 300,000-350,000), Belarusian (200,000-230,000) and Ukrainian (200,000-220,000). The next largest groups were: Ruthenians (Lemknos, an ethnic group, mostly in the region of Beskid Niski mountain, often considered part of the Ukrainian minority, (50,000-60,000) Romany (Gypsies, about 25,000), Lithuanians and Slovaks (about 20,000 each) Jews (about 15,000) and Russians (10,000-13,000). Other minority groups numbering less than 10,000 people each were: Armenians (about 8,000), Greek and Macedonians (about 5,000), Czechs (about 2,000-3,000), Tartars (about 2,500) and Karaites (about 150-200).

365. Solutions adopted in the 1990s were aimed in general at avoiding two unfavourable phenomena - on the one hand, the assimilation and acculturation of minorities into the Polish majority culture, and on the other hand, the exclusion of large groups from the rest of society. Legislation in these matters conformed to international standards, including those of the United Nations, the Council of Europe and the European Union. The standards prescribed integration, while retaining the right of citizens to their own identity. Polish legislation was intended to provide everyone with the feeling that while all were equal as citizens, people were not forced to be similar in their culture. National minorities were guaranteed all fundamental cultural rights - the right to their own culture and education, language and family name. This is the spirit of all treaties signed by Poland in the 1990s with its neighbours. Polish policy towards its minorities resulted from its internal legal order and international documents that set out the standards for the protection of the rights of those who are part of a national minority:

International Covenant on Civil and Political Rights;

International Convention on the Elimination of All Forms of Racial Discrimination;

Documents of the Copenhagen Conference on the human dimension of the Organization for Security and Co-operation in Europe;

Framework Convention for the Protection of National Minorities of the Council of Europe.

366. The Polish Constitution of 2 April 1997 under article 35, provides the following: "1. The Republic of Poland shall ensure Polish citizens belonging to national or ethnic minorities the freedom to maintain and develop their own language, to maintain customs and traditions, and to develop their own culture. 2. National and ethnic minorities shall have the right to establish educational and cultural institutions, institutions designed to protect religious identity, as well as to participate in the resolution of matters connected with their cultural identity."

367. Members of national minorities fully enjoyed all civil rights with respect to association, pursuant to the Act of 7 April 1989 - Law on Associations. Since it came into effect, 120 ethnic associations have been formed. Regulations referring to the right to one's surname were based on the Act of 15 November 1956 on the change of first and last names, which allows the use of surnames in their foreign form.

368. Financing of cultural activity, press, publications, etc. was provided for minorities pursuant to the Act on public financing of 26 November 1998, article 69, (4) (d). In 1989 national and ethnic minority matters were transferred from the Ministry of Internal Affairs to the Ministry of Culture and Art. Since 1 April 1992 there has been an Office for National Minorities there, which on 25 February 1998 became the Department of National Minority Culture of the Ministry of Culture and Art. The Department has the authority to:

(a) Provide assistance to ethnic organizations in the cultivation of traditions and culture of national minorities;

(b) Provide support for cultural events organized by minority unions and associations;

(c) Assist in the publication of limited editions of ethnic publications and press;

(d) Review, prepare and collect materials dealing with international standards in the area of preservation of the cultural heritage of national minorities;

(e) Work in cooperation with ethnic unions and associations on matters dealing with the cultural education of children of all ages;

(f) Prepare for the Ministry of Foreign Affairs opinions on draft legislation, conventions, treaties and international standards on cultural matters concerning national minorities;

(g) Cooperate with the National and Ethnic Minorities Committee of the Sejm of the Republic of Poland in preparing and implementing plans of action in matters of essential importance for the maintenance and development of minority culture;

(h) Support all measures for the promotion of tolerance and greater awareness among Polish society of matters concerning national and ethnic minorities.

369. With financial assistance from the Ministry of Culture and Art (in 1998 totalling about US$ 1 million), each minority group was able to publish in 1995-1998 at least one magazine in the language of origin. Support was given to a total of 32 magazines: 6 Belarusian, 6 German, 5 Ukrainian, 3 Jewish, 2 Romany, 2 Ruthenian, 2 Slovak, 2 Tartar, 1 Armenian, 1 Lithuanian and 2 others. Article 21 of the 1993 Act on television and radio prescribed "taking into consideration the needs of national and ethnic minorities". None of the minority organizations applied in 1995-1998 for a licence to broadcast radio or TV programmes of their minorities. In 1996, however, Polish Radio, within the framework of its 4 nation-wide and 17 regional programmes, broadcast 758 hours of programmes for those groups, i.e. 0.5 per cent of total annual transmission time. The programmes were addressed to the German, Ukrainian, Belarusian, Lithuanian and Romany minorities. Sixty per cent of the broadcasts were in the native languages of the minorities and 40 per cent in Polish. In 2 nationwide and 12 local programmes TV Poland transmitted in 1997 a total of 116.5 hours of programmes for minorities, of which 50 per cent were in their mother tongue, i.e. German, Ukrainian, Belarusian, Lithuanian, Russian and Romany, and 50 per cent in Polish. The Act's provisions did not refer in detail to this type of programme.

370. Other forms of cultural activity of minorities supported by the Ministry of Culture and Art included songs, national culture, harvest festivals, etc. Among the more interesting initiatives was the Centrum "Pogranicze Sztuk, Kultur i Narodów" ("At the Borderline of Arts, Cultures and Nations" Centre) in Sejny, near the border with Lithuania (events cultivating ethnic traditions and religious diversity and harmony of bygone Poland) and the Jewish Historical Institute and Jewish Theatre (in Warsaw). Other festive events included presentations of Ukrainian and Ruthenian (Lemko) songs, particularly in south-eastern Poland, an Orthodox Church choir festival in the area of the Belarusian minority, and German cultural events chiefly in Opolszczyzna (the Opole region), where most of this minority's members have settled.

371. Minority matters came under the authority of other ministries and central offices, as well:

(a) Since 1 January 1997 the Ministry of Internal Affairs and Administration has been the chief co-coordinator of minority matters (matters pertaining to the statutory activity of minority associations have also rested with the Department of Civilian Matters);

(b) The Ministry of Foreign Affairs implemented State policy with regard to minorities in its contacts abroad (including matters of treaties with neighbouring countries);

(c) The Ministry of National Education and its subordinate education departments implemented a policy of minority education. The legal provisions adopted in the Polish education system with respect to teaching the language of origin and instruction of other subjects in that language have been included in the Act on the education system of 7 September 1991. It provided for the preservation of national, ethnic and language identity of students of national minorities;

(d) The Committee for Scientific Research financed scientific projects related to minority matters.

372. The Ministry of National Education, through its Office for National Minority Cultures, like the Ministry of Culture and Art, has been providing financial assistance to minorities. In 1997 the Office's budget was divided as follows: press and publications - 60 per cent, reviews, meetings, competitions - 27 per cent, festivals - 11 per cent, seminars, literary workshops, conferences - 2 per cent. The minority's share in the Office's 1997 budget was as follows: Ukrainians 27 per cent, Belarusians 24 per cent, Lithuanians 10 per cent, Germans 10 per cent, Slovaks 8 per cent, Jews 8 per cent, Romany 7 per cent, Tartars 2 per cent, others 4 per cent. The budget totalled 1.4 million zlotys in 1993, 1.4 million in 1994, 1.75 million in 1995, 2.8 million in 1996, 3.3 million in 1997, and 3.7 million in 1998. The total of about 7.2 million zlotys was made available to minorities in 1998 in support of their cultures, from the budgets of the education and cultural departments. At the time, it was the equivalent of over US$ 2 million.

373. National minority matters have also been considered in the Sejm, where there has been a National and Ethnic Minorities Committee since 1989. Its members included representatives of the minorities. Under the Polish electoral law minority organizations proposing their candidates for parliament were exempted from the 5 per cent threshold requirement for other candidates.

374. The administrative reform has delegated much power to the self-governments at various levels. The Act on voivodeship self-government of 18 July 1998 (Journal of Laws, item 91, articles 75-77) provided the self-governments at that level with authority to set priorities for the voivodeship's international cooperation, including ethnic problems along country borders. Waiting for adoption by the end of 1998 was a parliamentary draft of the law on national minorities, which would constitute a form of code of rights of national minorities in Poland, including detailed provisions with respect to the cultural and publishing activities of those Polish citizens who declared other than Polish nationality. The Sejm was planning (after 1 January 1999) a debate on the ratification of the Framework Convention on National Minorities of the Council of Europe, signed by Poland on 1 February 1995.

4. The role of mass media in promoting participation in cultural life

375. The basis for the operation of electronic media was the Act on radio and TV (Journal of Laws of 1993 No. 7, item 34). It set forth the rights and duties of the broadcasters, which included the promotion of culture (article 1.1 - providing access to cultural and artistic assets, educational and scientific achievements, popularization of civic education, providing entertainment, etc.), as well as the scope of authority of the National TV and Radio Broadcasting Board which, inter alia, was responsible for the level of broadcasting (for more on the subject see our answer to the 1998 additional question No. 54). Four nationwide public programmes of Polskie Radio (or PR, Polish Radio) and two of TVP (TV Poland), as well as 16 regional programmes of Polskie Radio and 12 local TVP programmes made up the whole network in 1995-1998, reaching listeners practically everywhere. One private nation-wide TV station, a few private local TV programmes, foreign satellite TV programmes and cable TV, and numerous local and national private radio programmes made up a supplementary network, in part encoded (TV). This network, a competitor of PR and TVP, also reached listeners in most parts of the country. In 1995-1998 most press was in private hands, completely or in part (with the exception of specific forms, such as those financed by the State - Dziennik Ustaw (Journal of Laws) or Monitor Polski (Polish Monitor), which publish all executive acts) and freely available

without any restrictions of preventive censorship. Cultural programmes accounted for a bigger share at PR and TVP programmes than at non-public radio and TV. Their weekly framework programmes contained regular and non-regular items, such as radio dramas, TV theatre performances, concerts of classical music (popular music prevailed nevertheless), interviews with artists, reports of art expositions, festivals of all types, or the various cultural programmes providing a regular review of new happenings in cultural life. The non-public radio and TV provided generally a lot of entertainment, in accordance with worldwide tendencies, yet even here there were cases of programmes for the more demanding audience.

376. The cultural press went through difficult times after 1989. Many titles vanished from the market losing to their competitors - the glossy magazines with little content, but very popular and full of ads. Only few of the former remained, with limited editions, subsidized (by the Ministry of Culture and Art, among others), but demand for this type of press (dealing with literature and literary criticism, popular science, theatre, art, etc.) declined after 1989. Film press was in a slightly better situation as it represented a more popular genre, as did political, economic and social commentary (as a result of people's increased interest in events taking place at home and abroad after 1989). Scientific magazines made up a separate category. The number of their titles and total circulation dropped, but they have always attracted a limited but specific group of readers.

5. Preservation and presentation of mankind's cultural heritage

377. Matters pertaining to the preservation of cultural assets were provided for under the Act on the preservation of cultural assets and on museums of 15 February 1962, extensively amended in 1990 when the State Service for the Protection of Historic Monuments was set up. In 1996-1998 the Act underwent many changes, chiefly with respect to the system of cultural asset organization. With regard to cultural assets collected by museums and the museums themselves, a separate Act on museums was adopted (dated 21 November 1996). As of 1 October 1996 the State Service for the Protection of Historic Monuments lost its status as special administrator and its 49 voivodeship branches were integrated with the State administration institutions of the particular voivodeships (Act of 8 August 1996 on changes of selected acts normalizing the functioning of the economy and administration). The Voivodeship Conservator of Historic Monuments lost his status as the local State administration organ to the voivode. The budgetary resources needed for the preservation and conservation of monuments were then centralized in the budget of the Minister of Culture and Art. It was planned that after 1 January 1999, as a result of the political reform, the General Conservator of Historic Monuments would achieve the status of a central organ of government administration, and the 49 voivodeship branches of the State Service for the Protection of Historic Monuments would be transformed into 16 voivodeship branches of the Service for the Protection of Historic Monuments, in accordance with the new number of voivodeships.

378. At the end of 1998, about 50,000 buildings and about 130,000 movable treasures were registered as historic and legally protected, in addition to museum, library and archival collections, as well as about 6,500 archaeological sites. There were over 950,000 assets entered in conservation registers.

379. In 1995-1998 there were nine national programmes of cultural asset preservation dealing with such matters as the preservation of historical towns and wooden structures, determination of the archaeological assets of the country, conservation of historic interiors, exhibits of old technology, and recordings of cultural heritage landscapes and old rural residences and their historic surroundings.

380. In 1997, the old town of Toruń and the castle of Malbork were officially designated as World Heritage Sites by the United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage Committee. In 1996 the historic salt mine of Wieliczka, listed on the World Heritage List of endangered sites, received from the UNESCO World Heritage Fund a subsidy of US$ 100,000 for the purchase of air-conditioning equipment. The Service for the Protection of Historic Monuments has strengthened its cooperation with the border guards, customs services and the police in order to counteract and eliminate the effects of robbery of movable historic property and international smuggling through the territory of Poland.

381. The catastrophic floods in southern and western Poland in 1997-1998 devastated many historic monuments, museum pieces and library and archival collections. The clean-up after the flood is expected to last till 2001. An analysis of systems of availability and organization of various services which could help in salvaging cultural assets was the theme of the international workshop on the preservation of cultural property at times of natural disaster, with particular attention to floods held in 1998 under the NATO Partnership for Peace programme. The previous NATO conference, held in Cracow in 1996, was devoted to the preservation of cultural heritage in times of war and peace. At the time, Poland initiated the idea of establishing an international training centre for civilian and military staff responsible for the protection of cultural assets in emergency situations for Central and Eastern European nations.

382. Polish conservators of historic monuments actively participated in international conferences, seminars, workshops and fairs. Every September since 1993 European Heritage Days have been held in many cities of Poland, on the initiative of the Council of Europe and under the auspices of the European Union, with the aim of promoting people's awareness of the existence of historic monuments and the need to preserve them, as well as to draw their attention to the existence of a cultural community spanning national borders. The Office of the General Conservator of Historic Monuments acted as co-coordinator and financed the most interesting projects which were selected through competitions. Three Polish cross-border projects were rewarded by the King Baudouin Foundation in Brussels - the co-coordinator of the European Heritage Days on behalf of the Council of Europe:

- 1995 - Regional Centre for the Study and Preservation of the Cultural Environment, from Szczecin - "The spiritual and material heritage of the Cistercians";

- 1996 - Regional Center for the Study and Preservation of the Cultural Heritage, from Lublin, for a Polish-Ukrainian project, "Common roots, common future";

- 1997 - Polish-Saxony Society, for a Polish-German project "Under a joint crown. The cultural heritage of the Saxon dynasty period".

383. In 1995 the European Union provided financial assistance of almost 200,000 ecus for conservation work carried out at the Postępowa Synagogue in Cracow, the Church of Peace in Jaworzno, the Chapel of the Holy Trinity at Lublin Castle, the Piastów Śląskich Mausoleum in Wrocław and the monastic complex of the Bernardine Fathers in Leżajsk. Europa Nostra awarded a medal in February 1995 to the parish church in Sękowa and the Greek-Catholic church in Owczary. The Słowacki Theatre in Cracow and Sułkowsich Castle in Rydzyń were awarded certificates. In 1996 conservation works on the palace of the von Plesses in Pszczyna - a museum of historic interiors - were awarded a certificate, and in 1977, work at the museum of the Zamoyski family in Kozłówka received a medal.

384. In practically all international agreements signed by Poland on cultural and scientific cooperation there is provision for archival cooperation. On this basis, the Director General of the State Archives signed a number of detailed bilateral agreements. Thanks to resources from the EU and the Council of Europe, he has been implementing since 1997 the programme of "Reconstitution of the memory of Poland", which entailed the registration of archival materials pertaining to Poland's history stored in various archives in Europe, with the aim of obtaining, independently of formal legal steps, reproductions of documents dispersed abroad. An annual conference of archive personnel from Central and Eastern Europe was held regularly under the auspices of the Director General. In 1995 and 1996 the discussions centred on the role of archives in times of legal and political transformation in the region. In 1997 the subject of discussion was "Common archival heritage of Central and Eastern European States and nations", and in 1998 - "Private archives and archival documents in Central and Eastern European countries". As a result of the above conference cycle, work was begun on the preparation and implementation of a programme of "Common archival heritage of Central and Eastern Europe". Plans have been made to catalogue that part of our archival materials which refer to the history of the other participants in the programme: Austria, Belarus, Bulgaria, Croatia, Finland, Latvia, Lithuania, Romania, Russia, Slovakia, Slovenia, Sweden, Ukraine and Yugoslavia.

385. Another form of cultural heritage preservation was the provision by State archives of professional assistance to archives maintained by the Polish community abroad, including materials that form part of the State archival records, including records of the chief and central authorities of the Second Polish Republic. In cooperation with the Permanent Conference of Museums, Archives and Libraries plans were made to start an information system on the archival documents kept by the Polish community abroad, as well as a programme of putting them on microfilm for safe storage and use. Polish archivists took part in work on the compilation of the World Heritage List under the UNESCO "Memory of the World" programme. The Polish-German Group of Experts on Legal Claims, including a representative of the archives, started operation in 1997, within the framework of undertakings for the preservation of the archival heritage. Its work was coordinated by the Government Plenipotentiary for Polish Cultural Heritage Abroad.

6. Legislation protecting the freedom of artistic creation and dissemination of its results and restrictions imposed on it

386. The Constitution of 2 April 1997 provides to all the freedom of artistic creation, scientific research, as well as dissemination of the fruits thereof and to teach and enjoy the products of culture (art. 73). The means for the defence of this freedom as well as other freedoms and rights,

are provided for under articles 77-86 of the Constitution. It is worth making a special note of article 79 which regulates the institution of constitutional complaint. Everyone whose constitutional freedoms or rights have been infringed shall have the right to file a constitutional complaint for a judgement on the conformity to the Constitution of the law or any other normative act on the basis of which a court or organ of public administration has made a final decision on his or her freedoms or rights or on his or her obligations specified in the Constitution. There was another legal basis, namely, the Act of 4 February 1994 on copyrights and related rights (Journal of Laws of 1994, No. 24, item 83 with later amendments), the role of which has been described in the previous report.

7. Professional education and betterment in the field of culture, art and cultural education

387. The Government approved the "Inter-ministerial programme of cultural education" and its schedule of implementation. The process was divided into two stages: 1996-2000 and 2000-2010. The programme does not foresee centrally steered cultural education. It specifies the strategic guidelines (staff training, promotion of valuable programme initiatives, provision of knowledge, situation diagnosis, provision of tools for self-learning and self-education). In Poland in the reporting period there were 17 arts academies: 8 music academies, 6 academies of fine art and 3 theatre academies, including one providing courses in filmmaking and television (data of the Ministry of Culture and Art). There were also elementary and secondary art schools instructing in music, fine arts and ballet. In total, there were 268 such institutions, of which 219 were music schools, 28 for fine arts, 4 ballet schools, 5 State post-secondary education colleges training cultural activities specialists and librarians, 4 post-secondary education professional colleges and 8 art students' dormitories.

388. An important role was played by the Centre for the Encouragement of Culture which had the objective of encouraging creative forms of participation in culture and supporting cultural activities specialists in their efforts to promote greater interest in and active involvement of all parts of society in cultural life, as well as providing the opportunity for cultural activities specialists and administrators to improve their professional qualifications. The Centre's activities included:

- Organization of professional education for cultural activities specialists and administrators;

- Implementation or assistance in implementing programmes of such professional education and improvement;

- Advisory activity and information dissemination for the popularization and encouragement of culture and cultural education;

- Promotion of interesting, innovative phenomena in the fields of culture, cultural activities and education.

389. The Centre was specifically interested in two basic groups of cultural employees:

(a) Cultural activities specialists:

(i) Instructors of non-professional artistic groups (of music, dance, theatre, fine arts, film, photography, handicrafts, etc.) whose members - children of all ages and adults - engaged in performing a selected art form out of personal interest;

- Organizers of cultural events;

- Instructors working with people with disabilities (deaf, blind and with partial vision, mentally disabled, physically impaired), implementing educational programmes connected with therapy through art (music, fine art, theatre, handicrafts);

- Teachers in their free time and in their classes using pedagogical methods and games involving various art forms which teach a creative approach to theatre, music, fine arts, etc;

(b) Cultural administrators (persons involved in the management of cultural activities in local centres):

(i) Heads of cultural divisions of administrative bodies;

(ii) Accountants;

(iii) Territorial self-government employees.

390. The courses, seminars, workshops (e.g. on theatre, film, fine arts, photography, etc.) made available to cultural activities specialists provided the participants with general knowledge, allowed for cultivation of national traditions and first and foremost, provided professional training. Cultural administrators took part in courses which brought them up to date with newly enacted legislation and amendments and taught them new skills, such as marketing. The courses promoted awareness of the State's protective role with regard to culture and the impact of civilizations and education on culture. Courses of 2-2½ years are a form of supplementary education for professionally active cultural activities specialists, preparing instructors/teachers for work in various artistic fields: dance, theatre, puppet theatre, film, photography, handicrafts, film culture dissemination, etc. In the reporting period, over 300 courses were organized from which 6,656 persons graduated. The largest group was of graduates of dancing courses (folk, modern and social dancing) - 2,938 persons; theatre courses - 957; organization of cultural life - 1,457. The need to organize such courses was confirmed by the fact that new programmes were being constantly introduced, for example in the field of drama (mainly for schoolteachers), in the field of rhythmic-music therapy for hospital staff, or fine arts for artistically talented, disabled persons, who would then go on to become professional instructors/teachers of other persons with disabilities, being more aware of their needs, possibilities and limitations.

Table 56. Professional education and betterment in the field of culture in 1995-1998

	Number of training units	Total participants
Education	20	1 202
Supplementary	62	1 151
Improvement	370	11 645

Source: Data of the Ministry of Culture and Art.

391. Professional educational and improvement courses were also held for State archives staff. In 1995 a total of 164 persons continued or completed their higher studies or post-graduate studies, wrote their dissertation or passed their exams for doctoral or accreditation degrees, or took archival, language or computer courses. In 1996 there were 165 such persons, in 1997 - 156, and in 1998 - 197.

8. Other measures taken for the conservation, development and dissemination of culture

392. Progress, although difficult, was made in 1995-1998 in the consolidation of the State archival resources dispersed abroad. Some records have been brought back to Poland, such as records of the Polish legation in Mexico, the legacy of Henryk Stebelski, Polish consul in Mexico, and documents with regard to the Polish Army in the East from the period of the Second World War. Part of the archival material was kept in the form of reproductions. Among the more interesting acquisitions were recordings of broadcasts and programme scripts of the Polish Radio Free Europe broadcasting station. Preparations were being made to obtain microfilms of Ministry of Foreign Affairs records, kept at the Hoover Institution.

393. The Ministry of Culture and Art also continued the implementation of the "Disappearing professions" programme (since 1994) which was aimed at preserving and popularizing unique and precious folk art and crafts - still performed in rural areas - and any documents concerned with regional traditions and the work of folk artists. The programme involved the participation of various cultural institutions. The ministry provided inspiration and financial assistance in selected cases. Under the programme the following tasks were performed:

(a) Research and documenting tasks, to determine the extent to which various forms of folk creativity have been preserved in the different regions (e.g. work of the Centre for Ethnographic Documentation and Information in Łódź, which conducted research, made requests for information and collected much information);

(b) Tasks of disseminating knowledge on the subject, organizing of competitions, exhibitions and folk art fairs which cultivate local traditions;

(c) Educational tasks, i.e. organization of workshops and courses where masters of traditional folk art passed on their knowledge and taught the needed skills to those interested, particularly the young generations.

B. Measures aimed at the preservation of man's natural heritage and at promoting a healthy environment

394. In 1995-1998 the budget spent the sum of 8,968,800 zlotys on environmental awareness education. The issue was addressed to everyone, particularly students of primary and secondary schools, university students, environmental educators, local self-governments, journalists, the medical profession, farmers, specialists in the field of natural environment protection and customs officers. At the initiative of the Natural Environment and Education Ministries, the National Strategy of Environmental Education was formed. The Ministry of Environmental Protection, Natural Resources and Forestry made information available on the Internet, financed the publication of an environmental events calendar and newspaper supplements on environmental matters, prepared and printed various materials, and organized training, courses, conferences and workshops, the production of films and TV and educational programmes, the International Forum of Environmental Education and the International Day of Environmental Protection and Earth Day. In 1998 work began on the establishment of the Main Centre of Information on Environmental Education.

395. In 1996 two national parks were established (Narwiański and Bory Tucholskie, National Parks). National parks are the highest form of nature's protection and offer educational programmes on environmental protection, available also to disabled persons. At the end of 1998 there were 22 parks in existence, covering 1 per cent of the country's total area. Plans were made to form the Mazurski and Turnicki National Parks as well as to enlarge Bialowieski National Park by six times, to cover the whole area of the primeval forest. Information on parks can be found on the Internet: http://www.mos.gov.pl/kzpn. In 1995-1998, 22 scenic parks were established (with 133 already in existence). Scenic parks covered an area of 2,217,618 hectares, or 7.11 per cent of the country's total area. The Ministry of Environmental Protection, Natural Resources and Forestry coordinated the activities of scenic parks which have the task of preserving precious natural, historical and cultural assets and their dissemination in conditions of rational management.

C. Legislative and other measures taken to protect copyrights

396. The right to protection of material and moral benefits resulting from scientific, literary or artistic work was regulated under the Act of 4 February 1994 on copyrights and related rights (Journal of Laws of 1994, No. 24, item 83 with later amendments). The level of protection guaranteed under this Act conformed to modern tendencies of providing a wide scope of protection of intellectual property. It conformed to the requirements of article 15 of the Covenant and other international obligations in this regard. By the end of 1998, Poland was party to the international conventions on intellectual property:

Convention for the Protection of Literary and Artistic Works (Bern Convention Paris Act, 1971);

International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (Rome Convention). Poland joined this Convention in 1996;

Universal Copyright Convention;

Agreement on Trade-Related Aspects of Intellectual Property Rights - TRIPS (simultaneously, with Poland's access on 1 July 1995 to the World Trade Organization). Due to the possibility of a delay in the application of certain provisions of TRIPS and in accordance with appropriate notice of 28 December 1995 pursuant to article 65, paragraph 3, TRIPS provisions are to be applied in Poland not later than 1 January 2000.

397. In view of Poland's negotiations on EU membership, the said Act was to be amended in order to fully adapt to EU requirements. The Act guaranteed protection of property and personal rights. Protection was provided for any form of creative activity of an individual character, independently of its value, destiny and method of expression. The Act regulated matters of transfer of copyrights and set liability provisions for breach of those rights. It balanced the public interest of wide accessibility to cultural assets and technical achievements with the interests of their authors. Public libraries, R & D institutes and centres of scientific and technical information were issued licences to make available published works for didactic, educational purposes and, in general, for the accessibility of cultural assets. These restrictions on copyrights should not be interpreted to extend further. They were provided for under articles 27, 28 and 30, but could not infringe the rights of authors (art. 35). Scientific and educational institutions could, for didactic or research purposes, make use of published works in their original or translated form and make copies of excerpts of the published work. Libraries, archives and schools could make available, free of charge, within the scope of their statutory tasks, copies of published works, as well as make or commission the making of single copies of published works that were unavailable on the market in order to replenish their collection, protect it and make it available without charge. Information or scientific and technical documentation centres could make and disseminate their own documentary studies and single copies, not larger than one publisher's sheet, of excerpts from published works. The centres were responsible for paying the owners of those rights for making copies of parts of their work available.

D. Conservation, development and diffusion of science and culture

1. Government measures at the constitutional level, within the national educational system and by means of the communications media

398. The Ministry of Culture and Art has taken steps in the reporting period to sign an agreement with TV Poland for 1999 on the co-financing of cultural commentary programmes. Such an agreement has already been reached between the Ministry of National Education and TVP on the financing of educational TV programmes. Additionally, the following provisions were in place:

(a) Act of 15 February 1962 on the protection of cultural assets (Journal of Laws, No. 10, item 48 with amendments);

(b) Regulation of the Minister of Culture and Art of 24 November 1998 on the list of libraries whose collections would form part of the national library resources, determination of how these resources shall be organized, and the terms and scope of such specific protection (Journal of Laws of 1998, No. 146, item 955).

2. Other steps taken by the Government for the conservation, development and diffusion of science and culture

399. Through the intermediary of the Filmmaking Committee, the State provided assistance to festivals, reviews, events and exhibitions dealing with film subjects (some of an international character), e.g. reviews, weeks and days organized by public and private institutions which were in accordance with, for example, international provisions and agreements and cultural cooperation programmes. Financial assistance was given to international festivals, e.g. the International Short Film Festival in Cracow, the International Festival of Camera Art "Camerimage" in Toruń, the Warsaw Film Festival, as well as the promotion of film culture. In 1995 financial assistance totalling 1,457,263 zlotys was provided to 28 events, in 1996 - 1,967,990 zlotys to 44 events, in 1997 - 1,949,583 zlotys to 44 events and in 1998 - 1,845,200 zlotys to 45 events. The large increase in the number of events in 1996, maintained in 1997 (estimates for 1998 are similar), was connected with the one hundredth anniversary of film on Polish soil. Thanks to the assistance from the budget, Polish feature and non-feature films were presented abroad: in 1995 at 66 international film festivals and 56 reviews, in 1996 at 74 festivals and 80 reviews, in 1997 at 60 festivals and 70 reviews and in 1998 at 52 festivals and 90 reviews. State and private film producers as well as other institutions promoting Polish culture abroad could apply for promotion funding.

400. The National Film Repository continued to be of basic importance to the conservation and presentation of world and Polish cinema achievements. The Repository collected, protected and made them available (the basic collection is composed of about 15,000 titles from all over the world). Under the Act of 7 November 1996 on compulsory library copies (Journal of Laws of 1996, No. 152, item 722), one copy of each cinema and TV film was provided by their producers to the Repository. The same applied to films produced at home for a foreign entity. The Film Repository was the source of old films for the "Iluzjon" cinema, TV, film discussion clubs, universities, cultural centres, embassies, cultural centres abroad, etc. The Repository also collected historical and film documentation (about 25,000 books, magazines, screenplays, posters, photographs). The materials were available in the reading room on Repository premises.

401. For the conservation and promotion of Polish film, the Filmmaking Committee drafted laws in conformity with the present socio-economic situation in the country. It also provided subsidies to State and private producers. Through the Agency for Film Distribution, the State budget provided financial assistance for the dissemination of Polish films and interesting European productions. The films were shown, for example, at studio cinemas (the Agency covered part of the ticket costs at these cinemas). There were many film discussion clubs in Poland, which, among other things, carried out educational activities in the area of film (in the reporting period there were about 200 such clubs).

E. Protection of freedom for scientific research and creative activity

1. Legal, administrative and judicial means of promoting freedom for scientific and creative activity

402. The Act on copyrights and related rights (Journal of Laws of 1994, No. 24, item 83) was the basic legal text in this respect. In order to increase the availability of budgetary resources for

cultural institutions and persons representing the public, as well as the private, sector for the promotion of cultural activity, a new system of allocating financial means for cultural purposes was prepared at the end of 1998 at the Ministry of Culture and Art. The system was intended:

- For the active realization of State cultural policy;
- To apply principles of competition;
- To increase social participation in the decision-making process on subsidies;
- To place greater emphasis on content in decision-making;
- For greater openness and clarity of the decision making-process.

403. The Act of 25 October 1991 on the organization and management of cultural activity was amended on 27 June 1996. The new law included provision to finance activities important to culture and encouragement of creative individuals (a system of prizes and grants). It placed responsibility on the Ministry of Culture and Art for monitoring the activities of institutions important to culture as well as vetting candidates for the post of heads of municipal cultural institutions.

2. Measures taken to guarantee the freedom of exchange of scientific, technical and cultural information between individuals and institutions and to support learned societies and academies of science

404. An essential role in this respect was played by schools of fine arts, operating on the basis of two more general acts: one on tertiary education (Journal of Laws, No. 65 of 27 September 1990), and one on academic titles and scientific degrees (Journal of Laws, No. 65, item 386, of 12 September 1990). Although elitist in character, the schools played an active role in the promotion of culture by organizing competitions, concerts, festivals, and exhibitions. The Government supported the educational and scientific activity of art schools, providing financial resources for the most interesting events. Talented students of level I and II art schools received scholarships from the Minister of Culture and Art. Cooperation with foreign academies involved the exchange of students and teaching staff, workshops, seminars, conferences, joint concerts, exhibitions, performances, etc. Foreign students and trainees, including those with government grants - within the framework of agreements on cooperation in the field of culture and science - as well as those paying tuition fees in foreign currencies attended schools at various levels in Poland. Attending those schools were also students who were government grant holders of Polish origin from different countries in Central and Eastern Europe and Kazakhstan. Polish fine arts schools and academies were very popular and foreigners as well as Poles had to take entry examinations. Other forms of international cooperation by these academies included the participation in competitions and festivals, in master courses, in international programmes such as TEMPUS, SOCRATES (Music Academy in Wrocław, Academy of Fine Arts in Cracow and Poznań), CEEPUS (Academy of Fine Arts in Cracow).

405. The freedom of exchange of information, views and experience between creative individuals, artists and other creative persons and their respective institutions was also made possible with government grants and scholarships. The Minister of Culture and Art, on the basis of the Act of 25 October 1991, amended in 1996, on the organization and management of cultural activity, had the authority to grant scholarships and prizes to "persons engaged in artistic creation, dissemination and preservation of cultural assets". In accordance with the Regulation of the Minister of Culture and Art of 9 December 1996 there were two types of scholarships: semi-annual and annual. There was also an appropriation Fund for Artistic Creation Promotion established pursuant to the Act of 4 February 1994 on copyrights and related rights (Journal of Laws, No. 24, item 83). Executive regulations were set out pursuant to the Regulation of the Minister of Culture and Art of 22 December 1994 (Journal of Laws, No. 138, item 735). Scholarships were granted for periods of 6 or 12 months and paid out in monthly instalments. The ministerial grants and scholarships commission consisted of representatives from different creative fields.

406. The Minister of Culture and Art was the founding organ of R & D institutes: the Jewish Historic Institute (ŻIH) and Institute of Culture, which receive financial assistance for statutory activity from the Scientific Research Committee. In the reporting period, the Minister provided partial financing for scientific publications and works dealing with the conservation of archival resources of ŻIH. At the same time the Minister requested the Institute of Culture to prepare a report on "Polish Culture 1989-1996" and other research concerned with education, cultural policy, artistic settings, and documentation of the cultural life.

F. Measures to encourage international cooperation in scientific and cultural fields; legislation

407. Cooperation in this field was regulated in 1995-1998 under international conventions and 108 bilateral agreements on cultural and scientific cooperation (including departmental/ministerial agreements on cultural exchange). The Ministry of Culture and Art cooperated with the Ministry of Foreign Affairs in preparing and negotiating such agreements as well as plans of cooperation with international organizations. Of its own initiative, on the basis of documents mentioned earlier, the Ministry drew up guidelines and negotiated and signed agreements with other departments/ministries. It was also responsible for the direct implementation of the provisions of the two categories of documents - with the exception of matters of education and learning which were under the authority of the Ministry of National Education, the Polish Academy of Sciences and the Scientific Research Committee. The Ministry of Culture and Art also had the responsibility of financing this cooperation. The role of international cultural agreements in the maintenance of close cultural contacts with foreign countries, although diminishing, was still significant in the reporting period, because it was still the State which could continue providing subsidies (State budget) and secure an appropriate quality of the mainstream of cultural exchange. Pursuant to agreements, it was possible to organize reviews of Polish culture abroad, organize student exchanges, offer grants and scholarships to Polish and foreign citizens, help Polish artists to participate in international music, art and other competitions, organize competitions, symposia, conferences, seminars, open-air events, courses and studio visits of renowned artists, and to support contacts between

institutions, associations, societies and artists. Pursuant to other regulations (Regulation of the Minster of Culture of 1990, Journal of Laws of 1990, No. 65, item 319), it was possible to employ foreigners on the territory of Poland in a wide range of artistic services.

408. International archival cooperation in the years 1995-1998 was regulated under 12 bilateral agreements (with Austria, China, Croatia, Kazakhstan, Lithuania, Russia, Slovakia, Slovenia, Turkey, Ukraine, Hungary and Italy). For example, a collection of documents dealing with the Katyń murders was published in cooperation with the Russian side. Contacts with Polish centres abroad continued (e.g. with the Józef Piłsudski Institutes in New York and London, the Polish Institute and the Władysław Sikorski Museum), as well as with foreign archives such as the German Bundesarchiv and the Public Record Office. Polish archive personnel have been working, among others, in the Vatican Archives, the former Secret Prussian Archives in Berlin-Dahlem, at the Piłsudski Institute in New York and the Hoover Institution. Part of these activities received financing from the Government Plenipotentiary's Office for Polish Cultural Heritage Abroad.

409. Poland has also taken part in multilateral programmes and projects of European and world organizations. Due to the signing of the Association Agreement with the European Communities in 1991 and its accession to the Council of Europe, and the earlier accession to the European Cultural Convention in 1989, Poland entered the process of European integration in a wide sense, and under the auspices of the Council of Europe ensured its participation in large cultural events and in multilateral regional initiatives such as Ars Baltica and the Central European Initiative and those of the European Communities (community programmes, Kaleidoscope, Ariane and Raphael). Until 1996 Poland participated in the community cultural programmes as a so-called "third country". In 1992-1996 the Minister of Culture and Art participated in meetings of the Culture Ministers of the European Union States (Bordeaux - 1995, twice in Luxembourg - 1995 and 1996, and in Linz - 1998) where he presented our view on the subject of Poland's participation in European initiatives in the field of culture. In 1992-1996 cooperation with the EU continued in two fields: the organization of cultural events of a European character within the framework of the Kaleidoscope programme and the conservation and restoration of monuments (Raphael). 1996 brought changes in EU provisions regulating cultural programmes. Pursuant to the Additional Protocol to the European Agreement on Poland's Association with the European Communities, negotiations were embarked upon with associated countries with respect to their full participation in EU undertakings, including the matter of contributions, calculated by the Commission and paid into the general budget (until 1996 Poland's projects, as originating in a third country, did not involve any costs). From 1996 projects could be submitted only after payment of the contribution calculated by the Commission. The terms of Poland's participation provided for financial assistance for the projects, but only within the limits of the contribution sum (the juste retour principle) and without the participation of a Polish representative in jury proceedings deciding about the division of resources. Thanks to the agreement with the European Commission it was possible to engage financial resources from the Phare assistance programme to cover Poland's contribution payment. In accordance with arrangements with the EU partner, in the first year of Poland's participation in the community programmes the Ministry of Culture and Art paid 10 per cent of the sum due from Poland; the remaining costs were to be covered from the Phare programme.

Table 57. Poland's contribution payments for EU cultural programmes

Programme	Contribution in Euro
Kaleidoscope	266 284
Raphael	326 804
Ariane	75 649

Source: Data of the Ministry of Culture and Art.

410. The European Commission singled out 1997 as a non-contribution year. Thanks to this, two Polish projects received financial support on the "old terms": the International Modern Music Festival "Warszawska Jesień", and training for cultural activities specialists organized by the European Network of Cultural Centres. From the very beginning, the Kaleidoscope programme drew particular interest: every year within its framework several Polish projects received financial subsidies. In 1996 the subsidy included:

(a) The project to establish a network of cultural centres in Poland, the Czech Republic and Germany under the name "Spiral" - submitted by the Foundation of Modern Art of Świeradów Zdrój;

(b) The Wilam Horzyca Theatre, of Toruń, for the organization of the "Contact" International Theatre Festival;

(c) The Wierzbak Foundation of Poznań, for the organization of the "Quo Vadis Europe" art workshops for European youth (part 2);

(d) The Museum of Architecture, in Wrocław, for the organization of the "Sacred architecture in Poland in the 20th century" exhibition;

(e) The Theatre Education Center, of Gdańsk, for the "Baltic Dance University" project.

411. In accordance with information received from the Polish mission at the European Union, pursuant to the 1998 Kaleidoscope programme, eight Polish projects received subsidies to the total sum of 249,884 ecus:

- Song of the Ghost - 14,006.5 ecus - Wrocław Theatrical Association;

- XXXIII International Festival "Vratislavia Cantans" - 47,600 ecus - The "Vratislavia Cantans" State Institute of Culture;

- The Baltic Summer Academy of Chamber Music - 15,789.47 ecus - The Baltic Culture Center;

- 22nd Northern People Folklore Festival - 25,387.03 ecus - The Baltic Culture Center;

- The 2nd European Clarinet and Saxophone Society Conference - 45,000 ecus - Pro Musica Limited Corporation;
- Shakespeare Festival - 45,000 ecus - Theatrum Gedanense Foundation;
- The Integrated Fine Arts Workshop - Łąck'98 - 11,101 ecus - The Association of Tourist Municipalities of the Gostynin Lake District;
- The 2nd International Festival "World Art Underground - Wieliczka'98" - 45,000 ecus - World Art Underground.

412. In 1995 financial assistance was provided out of the architectural heritage preservation programme for the Postępowa Synagogue in Cracow, the Chapel of the Holy Trinity at Lublin Castle, the Piastów Śląskich Mausoleum in Wrocław, the monastic complex of the Bernardine Fathers in Lezajsk, and in 1996 to the Archeological Festival '96. By decision of the EU Council of Cultural Ministers of 20 November 1995, Cracow, as one of nine European cities, was given the title of European City of Culture for the year 2000. The Cracow Festival 2000 - a cycle of cultural events aimed at bringing together the nations of Europe, accentuating the city's cultural attractions and stressing the community and diversification of European culture - started in 1996 with considerable support from the Ministry of Culture and Art.

413. In 1998, within the framework of its cooperation with the Council of Europe, Poland embarked on a programme of assembling archival materials pertaining to Poland, "Reconstitution of the Memory of Poland" (source material relating to Poland's history in the collections of European States), and was one of the parties participating in research conducted by the Council of Europe within the framework of the "Privatization and Destatization: Transformation of Major Cultural Institutions as a Consequence of this Process".

414. The Ministry of Culture and Art is also pursuing other activities of a European character within the framework of Baltic regional cooperation, particularly the forum of Ars Baltica. This is an undertaking aimed at bringing Baltic States closer together through culture, realizing in fact political objectives formulated by the Council of the Baltic Sea States and the Conference of Culture Ministers of the Baltic Sea States. Ars Baltica has now gathered much experience, particularly in the field of mutual exchange of art exhibitions, the organization of concerts, joint seminars, creative workshops and other activities.

415. The filmmaking industry has been taking full advantage of the international structures it had joined. Since 1992 it has taken part in the Council of Europe Film Fund "Eurimages" which supported co-production activity, subsidized the distribution of interesting European films and the so-called programming of cinema repertoire. The Filmmakers Committee, by paying out of the budget membership contributions for participation in this organization and covering the costs of the Polish representative at "Eurimages" made it possible for producers, distributors and cinema owners to obtain financial assistance from the Fund. In 1995 "Eurimages", subsidized the production of three films, in 1996 of four films and in 1997 of four films (20 per cent of domestic production). In 1995 the Fund provided financial assistance for the distribution of 4 European films in Poland, in 1996 of as many as 17, and in 1997 of 8 films. The "Muranów" cinema in Warsaw and "Wanda" in Cracow have used "Eurimages" resources for

programming of cinema repertoire. The filmmakers cooperated with Eureka Audiovisuel, an organization working at the EU. Talks were under way on Poland joining the Media II programme within the EU framework. The programme supported the development and distribution of European audio-visual works. The National TV and Radio Broadcasting Board led the talks and stayed in close contact with the Filmmakers Committee. The Filmmakers Committee subsidized out of the State budget the participation costs of Polish creative artists, critics and experts in international festivals, conferences and seminars. In the years 1995-1997 support was given to training in the field of screenwriting through subsidies to young Polish screenwriters participating in workshops for screenwriters from Central Europe, held in Budapest. One of the organizers was the Sundance Institute from the United States of America, headed by Robert Redford. A significant element limiting the Filmmakers Committee's support for films was the limited budget resources.

G. New legislation and executive acts regarding article 15

416. These were:

- Article 6 of the Polish Constitution of 2 April 1997 (State sponsorship);
- Article 35 of the Constitution (national minorities);
- Article 73 of the Constitution (freedom of artistic and scientific creation);
- Articles 77-86 of the Constitution (means of protecting all freedoms and rights);
- Article 79 of the Constitution (institution of constitutional complaint);
- Act of 25 October 1991 on the organization and management of cultural activity, amended on 27 June 1996 (Journal of Laws of 1997, No. 110, item 721 with later amendments);
- Act of 4 July 1996 on name changes of selected fine arts academies (Journal of Laws of 1996, No. 100, item 462);
- Act of 8 August 1996 on the amendments to selected acts normalizing the functioning of the economy and administration;
- Act of 7 November 1996 on compulsory library copies (Journal of Laws of 1996, No. 152, item 722);
- Act of 27 June 1997 on libraries (Journal of Laws of 1997, No. 85, item 539);
- Act of 21 November 1996 on museums (Journal of Laws of 1997, No. 5, item 24 with later amendments and Journal of Laws of 1998, No. 106, item 668);

- Act of 18 July 1998 on voivodeship self-government (Journal of Laws of 1998, No. 91, item 91, arts. 75-77);
- Act of 24 July 1998 on the changes to selected acts setting out the scope of powers of public administration organs in connection with political reform of the country (Journal of Laws of 1998, No. 106, item 668);
- Regulation of the Minister of Culture and Art of 10 November 1994 on conditions of admission to art schools and academies of persons not being Polish citizens, and terms of tuition charges; shall be amended in 1999 (Journal of Laws of 1994, No. 125, item 612);
- Regulation of the Minister of Culture and Art of 18 April 1995 changing the regulation on the bestowal of a statute on the Ministry of Culture and Art (Journal of Laws of 1995, No. 48, item 250);
- Regulation of the Council of Ministers of 18 April 1995 on the Office for National Minority Cultures, at the Minister of Culture and Art;
- Regulation of the Minister of Culture and Art of 15 May 1996 on setting out the terms of employment of foreigners and entrusting them with other paid work within a wide range of artistic services (Journal of Laws of 1996, No. 65, item 319);
- Regulation of the Minister of Culture and Art of 9 December 1996 on scholarships for persons engaged in creative work, and in dissemination and preservation of cultural assets;
- Regulation of the Council of Ministers of 29 July 1997 on the delegation of State tasks to non-State units, and the list of these tasks (Journal of Laws of 1997, No. 94, item 573);
- Regulation of the Chairman of the Council of Ministers of 18 February 1998 on the bestowal of a statute on the Ministry of Culture and Art (Journal of Laws of 1998, No. 24, item 128);
- Regulation of the Minister of Culture and Art of 24 November 1998 on the list of libraries whose collections would form part of the national library resources, determination of how these resources shall be organized, and the terms and scope of such specific protection (Journal of Laws of 1998, No. 146, item 955);
- Regulation of the Chairman of the Council of Ministers of 8 December 1998 on the list of cultural institutions entered into the registers maintained by ministers and heads of central offices and not subject to transferral to territorial self-governments due to the nation-wide character of the tasks that they perform (Journal of Laws of 1998, No. 148, item 970);

- Regulation of the Chairman of the Council of Ministers of 8 December 1998 on the list of cultural institutions of a regional character entered in registers kept by voivodes and subject to transferral to voivodeship self-governments for their governance within the framework of their own tasks (Journal of Laws of 1998, No. 148, item 971);

- Regulation of the Minister of Culture and Art of 29 December 1998 on determining the list of self-government cultural institutions where the appointment and dismissal of the director requires obtaining the opinion of the appropriate Minister of Culture (Journal of Laws of 1998, No. 166, item 1218).
